



City of Killeen

Agenda City Council Workshop

Tuesday, March 17, 2015

5:00 PM

Utility Collections - Large Conference Room
210 West Avenue C
Killeen, Texas 76541

Items for Discussion at Workshop

- [DS-15-029](#) Discuss Agenda Items and Land Use Cases
- [DS-15-030](#) Receive a Briefing Regarding Legislation Establishing a Local Provider Participation Fund (LPPF)
- [DS-15-031](#) Receive a Briefing from the Texas Mayors of Military Communities
- [DS-15-032](#) Briefing by WCID #1 - Drought Contingency Plan and Stillhouse Plant and Pipeline Project Status Update
Attachments: [Presentation](#)
- [DS-15-033](#) Discuss Membership of City Council/Planning and Zoning Working Group Adhoc Committee
- [DS-15-034](#) Receive a Briefing and Discuss the Draft Transportation Thoroughfare Plan Update/Transportation Capital Improvements Program

Items for Regular City Council Meeting of March 31, 2015

Consent Agenda

- [CA-15-032](#) Consider minutes of Regular City Council Meeting of March 10, 2015.
Attachments: [Minutes](#)
- [CA-15-033](#) Consider a memorandum/resolution authorizing Change Order No. 6 to the Stagecoach Road Reconstruction, Phase 2 Project with McLean Construction, Inc.
Attachments: [Council Memorandum](#)
[Change Order](#)
- [CA-15-034](#) Consider a memorandum/resolution for the procurement of network and core switches through the co-operative purchasing network - Texas Department of Information Resources.
Attachments: [Council Memorandum](#)
- [CA-15-035](#) Consider a memorandum/resolution approving the investment report for the quarter ended December 31, 2014.

Attachments: [Council Memorandum](#)
[Quarterly Report](#)
[Presentation](#)

[CA-15-036](#) Consider a memorandum/resolution appointing presiding and alternate judges for the May 9, 2015 general election.

Attachments: [Council Memorandum](#)

[CA-15-037](#) Consider a memorandum/resolution amending the Joint Election Agreement with Killeen Independent School District to include Central Texas College.

Attachments: [Council Memorandum](#)
[Agreement](#)

Public Hearings/Ordinances

[PH-15-015A](#) HOLD a public hearing and consider a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' to 'General Commercial' (FLUM# Z15-04) for approximately 3.5 acres, located along the south right-of-way of the West Elms Road extension, east of Carpet Lane, and north of Lots 1-8, Block 2, Stratford Addition 2nd Extension and Lot 8, Block 1, Stratford Addition 1st Extension, Killeen, Texas.

Attachments: [Council Memorandum](#)
[Attachment Council Memorandum](#)
[Minutes](#)
[Ordinance](#)

[PH-15-015B](#) HOLD a public hearing and consider an ordinance requested by Bellpas, Inc. (Case #Z15-04) to rezone 2.9 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District), being part of the Thomas Robinette Survey, Abstract No. 686. The property is located at the southeast corner of the intersection of West Elms Road and Carpet Lane, Killeen, Texas.

Attachments: [Council Memorandum](#)
[Attachment to Council Memorandum](#)
[Minutes](#)
[Ordinance](#)
[Application](#)
[Location Map](#)
[Buffer Map](#)
[Considerations](#)

[PH-15-015C](#) HOLD a public hearing and consider an ordinance requested by Bellpas, Inc. (Case #Z15-05) to rezone 0.6 acres from "R-1" (Single-Family

Residential District) to "B-5" (Business District), being part of the Thomas Robinette Survey, Abstract No. 686. The property is locally known as 3302 Granite Drive, Killeen, Texas.

Attachments: [Council Memorandum](#)
[Attachment to Council Memorandum](#)
[Minutes](#)
[Ordinance](#)
[Application](#)
[Location Map](#)
[Buffer Map](#)
[Considerations](#)

Ordinances/Resolutions

[OR-15-004](#) Consider a memorandum/resolution amending the City Council Rules of Procedure and Protocol-amending agenda order. (2nd of 2 Readings)

Attachments: [Council Memorandum](#)
[Rules of Procedure & Protocol](#)

[OR-15-005](#) Consider an ordinance declaring unopposed candidates and canceling the May 9, 2015 General Election in District 2 and District 4.

Attachments: [Council Memorandum](#)
[Ordinance](#)
[Certification of City Secretary](#)

[OR-15-006](#) Consider an ordinance amending Chapter 28 of the Code of Ordinances of the City of Killeen exempting certain veterans and military award recipients from parking fees at the Killeen-Fort Hood Regional Airport.

Attachments: [Council Memorandum](#)
[Ordinance](#)

[OR-15-007](#) Consider an ordinance amending Chapter 2, Article VI, Section 2-150 Fees and Chapter 24, Article II, Division 6, Rates for Municipal Solid Waste Collection and Disposal Service.

Attachments: [Council Memorandum](#)
[Ordinance](#)

Adjournment

I certify that the above notice of meeting was posted on the Internet and on the bulletin boards at Killeen City Hall and at the Killeen Police Department on or before 5:00 p.m. on March 13, 2015.

Dianna Barker, City Secretary

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the City Council may convene a closed session to discuss any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session..

This meeting is being conducted in accordance with the Texas Open Meetings Law [V.T.C.A., Government Code, § 551.001 et seq.]. This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for those services, please call 254-501-7700, City Manager's Office, or TDD 1-800-734-2989.

Future Workshop Items

The following items have been scheduled for workshop discussion on the dates shown. The final scheduling of these items is dependent upon the presenters/interested parties being available on the dates projected.

Notice of Meetings

The Mayor and/or City Council have been invited to attend and/or participate in the following meetings/conferences/events. Although a quorum of the members of the City Council may or may not be available to attend this meeting, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office.

- NAACP Freedom Fund Banquet, March 14, 2015, 6:00 p.m., Club Hood
- LULAC Banquet, April 18, 2015, 6:30 p.m., Phantom Warrior Club

Dedicated Service -- Every Day, for Everyone!



City of Killeen

Legislation Details

File #: DS-15-029 **Version:** 1 **Name:** Discuss Agenda Items & Land Use Cases
Type: Discussion Items **Status:** Discussion Items
File created: 3/2/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Discuss Agenda Items and Land Use Cases
Sponsors: City Manager Department
Indexes:
Code sections:
Attachments:

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|



City of Killeen

Legislation Details

File #: DS-15-030 **Version:** 1 **Name:** Briefing - Local Provider Participation Fund
Type: Discussion Items **Status:** Discussion Items
File created: 3/10/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Receive a Briefing Regarding Legislation Establishing a Local Provider Participation Fund (LPPF)
Sponsors: City Manager Department
Indexes:
Code sections:
Attachments:

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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City of Killeen

Legislation Details

File #: DS-15-031 **Version:** 1 **Name:** Legislative Update
Type: Discussion Items **Status:** Discussion Items
File created: 3/4/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Receive a Briefing from the Texas Mayors of Military Communities
Sponsors: City Manager Department
Indexes:
Code sections:
Attachments:

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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City of Killeen

Legislation Details

File #: DS-15-032 **Version:** 1 **Name:** Briefing - WCID #1 - Drought Contingency Plan
Type: Discussion Items **Status:** Discussion Items
File created: 3/4/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Briefing by WCID #1 - Drought Contingency Plan and Stillhouse Plant and Pipeline Project Status Update
Sponsors: City Manager Department
Indexes:
Code sections:
Attachments: [Presentation](#)

| Date | Ver. | Action By | Action | Result |
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Water Conservation Meeting

Presented by
Ricky Garrett P.E.
March 17, 2015

Despite recent rain, area lake levels still below normal



JEFF QUINN/FIRENEWS SERVICE
Belton Lake's record low water levels have made several boat docks unusable, including this one at Pier 36 Marina.

BY ALEX WUKMAN
FIRENEWS SERVICE

BELTON — Although parts of Central Texas received as much as 2 inches of rain in the last month according to data from the National Weather Service, water levels at Belton and Stillhouse Hollow lakes remain down.

Ronnie Bruggman, lakes manager for the U.S. Army Corps of Engineers, said Belton Lake is still about 12.5 feet below normal. The Corps' daily lake elevation reports show both Stillhouse Hollow and Belton lakes consistently be-

tween 12 and 14 feet below their normal depth since Jan. 1.

"We've had a drier than-normal winter," Bruggman said. "There hasn't been a lot of surface runoff for the lakes."

Bruggman, who was quick to point out that he is neither a climatologist nor a meteorologist, said lake levels have remained below normal since 2011.

"If we don't get some rain soon, we'll probably get record lows this summer," he said.

Despite the continual below-average elevation of the lakes,

PLEASE SEE LAKE LEVELS, A6

IMPORTANT LAKE LEVELS TO REMEMBER

POOL ELEVATION WAS 581.36' on Feb. 13th
ELEVATION March 12th WAS 581.53'

FULL POOL ELEVATION (LAKE IS FULL) = 594'

!!!! BRA'S STAGE 1 TRIGGER LEVEL = 587.2'

!!!! BRA'S STAGE 2 TRIGGER LEVEL = 577.9'

!!!! BRA'S STAGE 3 TRIGGER LEVEL = 565.8'

It should be noted that the lake levels in the cool months drop 6-8" per month and in the hot summer months they can drop as much as 3' per month.

STAGE 1 (VOLUNTARY REDUCTION) 587.2'

Restrictions: Voluntary

Target Goal: 5% Water Use Reduction

Suggestions to achieve desired goal:

- A. Reduce non- essential water use
- B. Initiate voluntary landscape watering schedules
- C. Target a 2-5% voluntary reduction of current water use

STAGE II (MANDATORY REDUCTION) 577.9'

Restrictions: Mandatory

Target Goal: 10% of your current average daily flow –"If circumstances warrant, the BRA's GM/CEO or his designee may modify this goal."

- A. Initiate a more stringent stage of your drought contingency plan to achieve goal
- B. Encourage public to delay installation of any new landscaping
- C. Initiate mandatory water schedules
- D. Cities and entities cut back on watering city owned facilities
- E. When a mandatory reduction is required the District will inform you of what reduction will be required. The reduction will be applied to whatever your current daily average is at the time of implementation.
- F. The District now has in place the necessary equipment to regulate flow to each entity and at that time we will be able to control how much water you get on a daily basis based on the severity of the situation.

STAGE III (MANDATORY REDUCTION) 565.8'

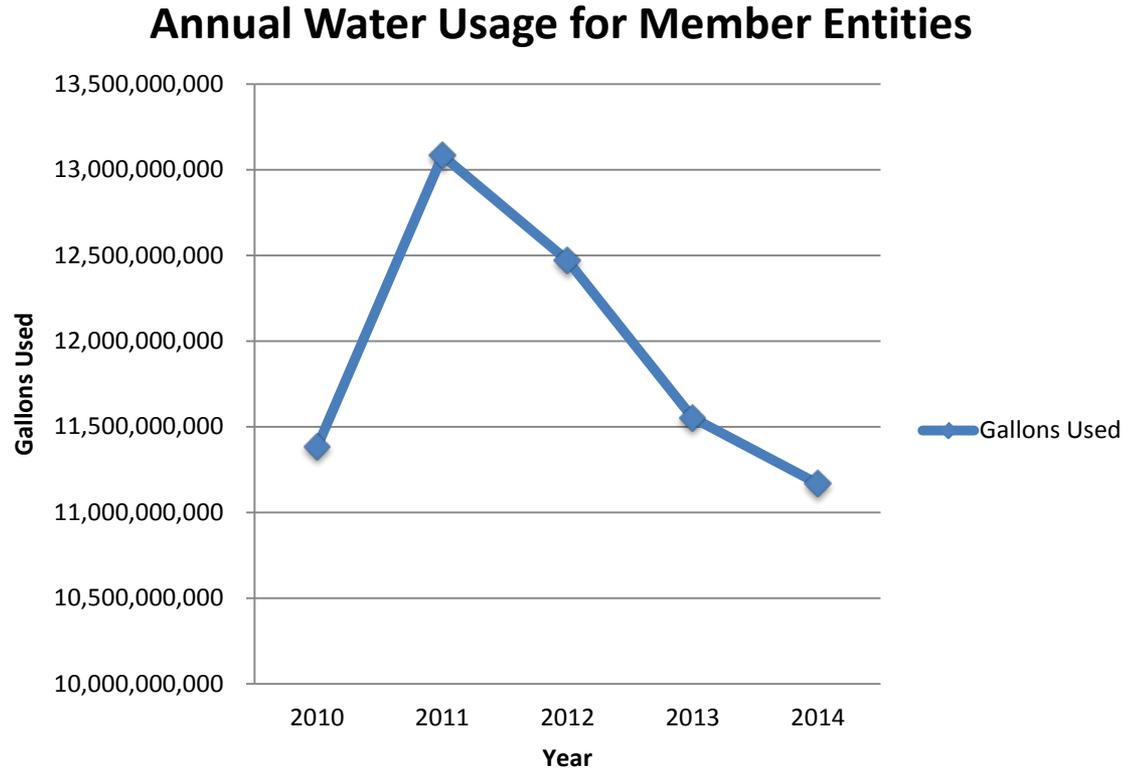
Restrictions: Mandatory

Target Goal: Additional 10% to Stage II

- A. Initiate the most stringent stage of your drought contingency plan.
- B. By this time things are really bad and we are somewhere at a reduction of at least 25% from your current daily use.

**BELL COUNTY WCID #1
ANNUAL WATER USAGE FOR MEMBER ENTITIES
CALENDAR YEAR 2010-2014**

| Calendar Year | Gallons Used |
|----------------------|---------------------|
| 2010 | 11,384,933,680 |
| 2011 | 13,082,384,890 |
| 2012 | 12,469,044,931 |
| 2013 | 11,552,916,409 |
| 2014 | 11,167,127,300 |



Stillhouse Plant & Pipeline

Project Status

Treatment Plant

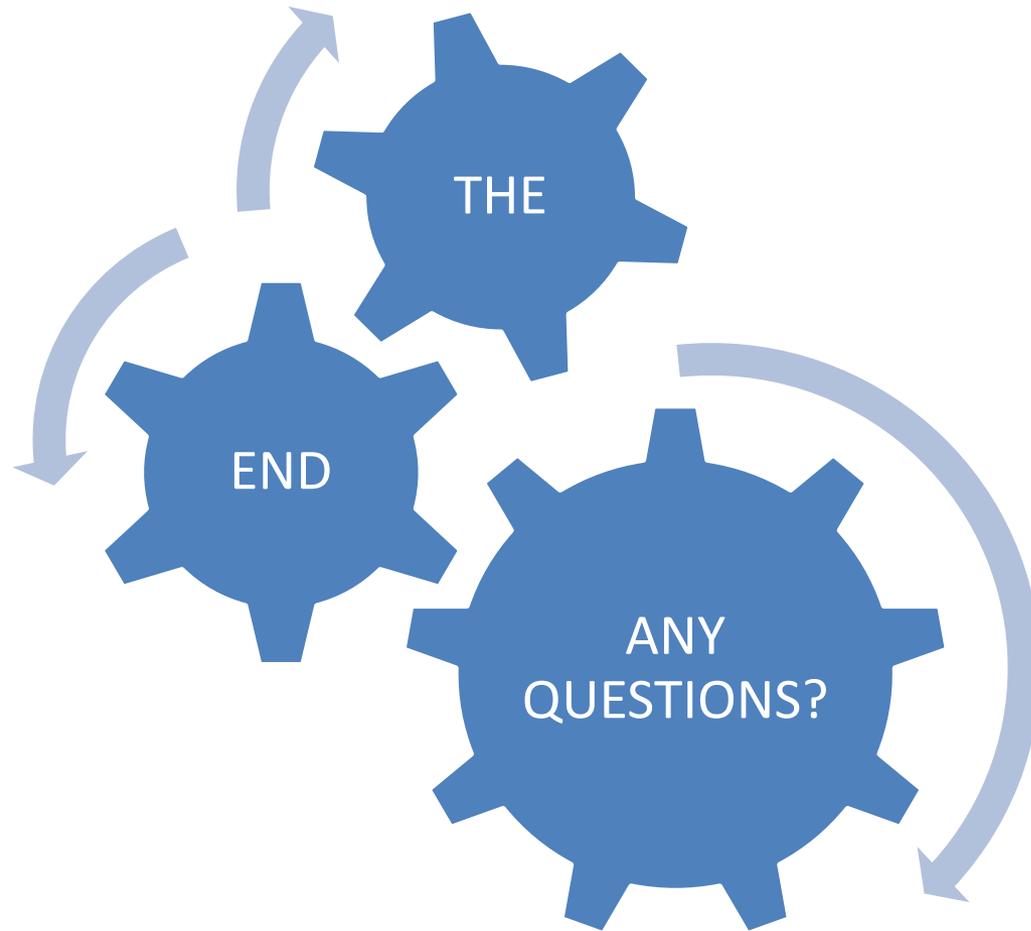
- Geotechnical work is complete
- Environmental and Archaeology on the plant site is complete with no issues to develop site
- Currently working on the electrical requirements and contacting the electric utility for service requirements

Raw Water Intake and Pump Station

- Raw water intake and pipeline surveying is complete
- Raw water pipeline preliminary design is complete
- Environmental and Archaeological work has been completed with no issues to construction

Treated Water Pipeline

- A preliminary route has been selected from the plant to Chaparral Road
- Surveying is about 90% complete
- Easement acquisition underway in about 3 to 4 weeks
- Schedule is to have final design by August 2016, Construction complete by November 2018





City of Killeen

Legislation Details

File #: DS-15-033 **Version:** 1 **Name:** Discuss Council/P&Z Working Group Adhoc Committee
Type: Discussion Items **Status:** Discussion Items
File created: 3/10/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Discuss Membership of City Council/Planning and Zoning Working Group Adhoc Committee
Sponsors: City Manager Department, Planning & Development Dept
Indexes:
Code sections:
Attachments:

| Date | Ver. | Action By | Action | Result |
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City of Killeen

Legislation Details

File #: DS-15-034 **Version:** 1 **Name:** Briefing Draft Transportation Thoroughfare Plan Update/Transportation Capital Improvements Program

Type: Discussion Items **Status:** Discussion Items

File created: 3/10/2015 **In control:** City Council Workshop

On agenda: 3/17/2015 **Final action:**

Title: Receive a Briefing and Discuss the Draft Transportation Thoroughfare Plan Update/Transportation Capital Improvements Program

Sponsors: City Manager Department

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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City of Killeen

Legislation Details

File #: CA-15-032 **Version:** 1 **Name:** Minutes of Regular City Council Meeting of March 10, 2015
Type: Minutes **Status:** Consent Agenda
File created: 3/2/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Consider minutes of Regular City Council Meeting of March 10, 2015.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Minutes](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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City of Killeen
Regular City Council Meeting
Killeen City Hall
March 10, 2015 at 5:00 p.m.

Presiding: Mayor Pro-Tem Elizabeth Blackstone

Attending: Council members Terry Clark, Juan Rivera, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Absent: Mayor Scott Cospers

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms J. Bradam.

Councilmember Harris gave the invocation, and Mayor Pro-Tem Blackstone led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Councilmember Clark to approve the agenda as written. Motion seconded by Councilmember Rivera. The motion carried unanimously.

Consent Agenda

CA-15-028 Consider minutes of Regular City Council Meeting of February 24, 2015.
No changes.

CA-15-029 Consider a memorandum/resolution awarding Bid No. 15-10 to D.I.J. Construction, Inc. for thermoplastic materials and to Maxwell Products, Inc. for crack seal material.

Staff comments: Scott Osburn

City staff recommends that City Council award purchase contracts to D.I.J. Construction Inc. for the purchase of Thermoplastic - White and Thermoplastic - Yellow and Maxwell Products, Inc. for the crack seal material - Polyflex III, under Bid 15-10 and reject all other submissions. Further that the City Council authorize the City Manager to enter into contracts with the same, including the proposed extensions described and all change orders in the amounts established by state and local law.

CA-15-030 Consider a memorandum/resolution rescheduling the regular City Council meeting of March 24, 2015.

Staff comments: Glenn Morrison

The Fort Hood Community Listening Session is scheduled for the evening of March 24, 2015. A majority of the City Council may be in attendance. It is recommended that the City Council meeting scheduled for March 24, 2015 be rescheduled for March 31, 2015.

CA-15-031 Consider minutes of Special City Council Meeting of March 3, 2015.
No changes.

Motion was made by Councilmember Rivera to approve Consent Agenda items CA-028 through CA-031, as presented. Motion was seconded by Councilmember Okray. Motion carried unanimously.

Public Hearings / Ordinances

PH-15-014 HOLD a public hearing and consider an ordinance amending the FY 2015 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing Certificate of Obligation 2011 fund accounts by \$486,503 to finance Stagecoach Road Reconstruction Phase II and Elms Road Extension.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2015 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING CERTIFICATE OF OBLIGATION 2011 FUND ACCOUNTS BY \$486,503; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Karen Evans

Additional funds are needed to cover contingency-related expenditures and change orders for the Stagecoach Road Reconstruction and Elms Road Extension projects. Staff recommends that City Council approve the attached ordinance amending the FY 2015 Annual Budget and Plan of Municipal Services increasing various capital project fund revenues and expenditures by \$486,503.

Mayor Pro-Tem Blackstone opened the public hearing. With no one appearing the public hearing was closed.

Motion was made by Councilmember Clark to approve PH-014 as presented. Motion was seconded by Councilmember Okray. Motion carried unanimously.

Ordinances / Resolutions

OR-15-004 Consider a memorandum/resolution amending the City Council Rules of Procedure and Protocol-amending agenda order. (1st of 2 Readings)

Staff comments: Kathy Davis

Staff recommended that the agenda format be amended to match what the practice has become. Removal of the consent agenda and creation of separate sections for "Minutes", "Resolutions", "Ordinances", and "Public Hearings" will match what our practice has become.

Motion was made by Councilmember Rivera to accept the changes and bring this item back to Council for a second reading. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Harris, and unanimously approved, the meeting was adjourned at 5:10 p.m.



City of Killeen

Legislation Details

File #: CA-15-033 **Version:** 1 **Name:** Stagecoach Rd Constr, Ph 2 Change Order #6
Type: Resolution/Consent Agenda **Status:** Consent Agenda
File created: 2/23/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Consider a memorandum/resolution authorizing Change Order No. 6 to the Stagecoach Road Reconstruction, Phase 2 Project with McLean Construction, Inc.
Sponsors: Public Works Department, Transportation Division
Indexes: Stagecoach Road
Code sections:
Attachments: [Council Memorandum](#)
[Change Order](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

AUTHORIZE CHANGE ORDER NO. 6 TO THE STAGECOACH ROAD RECONSTRUCTION, PHASE 2 PROJECT WITH MCLEAN CONSTRUCTION, INC.

ORIGINATING DEPARTMENT

Public Works - Transportation Division

BACKGROUND INFORMATION

On July 30, 2013 (CCM/R 13-087R), City Council authorized the award of a construction contract (Bid 13-12) for the Stagecoach Road Reconstruction, Phase 2 project to McLean Construction, Inc. in the amount of \$17,171,171.10. This four and one-half (4.5) mile project is a continuation of the Stagecoach Road reconstruction project from East Trimmier Road to Tyrel Drive. It consists of rebuilding the existing 2-lane rural roadway section with roadside ditches into a 5-lane urban roadway section that contains a continuous center left turn lane with curb and gutter.

DISCUSSION/CONCLUSION

Urban roadway sections allow the storm water to be collected in a curb and gutter, routed through a storm drain system and outfall into a watercourse or drainage easement. The storm drain systems for this project were designed to outfall into the same locations as the existing rural roadway.

The water line west of Bowfield Drive to Featherline Road is currently located seven (7) inches below the existing ditch grade; at this location, the water line would be at grade where the proposed top of base and asphalt are to be located. The water line needs to be buried at the required 42 inches of cover over the pipe. Also, the location of the reinforced concrete pipe (RCP) for the project inlets, for storm water in this area, is in conflict with the existing water line. In addition, the proposed location for the RCP will run underneath the roadway. Relocation of the water line behind the new inlets, and out of the roadway, alleviates the conflict and will allow for future maintenance of the water line.

FISCAL IMPACT

The total cost of Change Order No. 6 is a net increase of \$51,975.00 resulting in a revised total contract price of \$15,591,244.30. This change order plus previous Change Orders No. 1 through 5 result in an overall decrease of 9.20% to the original contract. Funds for this change order are available in the 2011 Certificate of Obligation Bond, Stagecoach Improvements, account number 343-3490-800.58-36, in the amount of \$51,975.00.

RECOMMENDATION

City staff recommends that City Council authorize the City Manager to execute Change Order No. 6 in the amount of \$51,975.00 for the Stagecoach Road Reconstruction, Phase 2 project with McLean Construction, Inc.

CHANGE ORDER

No. 6

DATE OF ISSUANCE January 4, 2015

EFFECTIVE DATE _____

OWNER: City of Killeen
CONTRACTOR: McLean Construction
Contract: Stagecoach Road Reconstruction Phase 2
Project: Stagecoach Road Reconstruction Phase 2
OWNER's Contract No. 310-004-C ENGINEER's Contract No. _____
ENGINEER: Walker Partners, LLC.

You are directed to make the following changes in the Contract Documents:

Description: Relocate water line west of Bowfield to Featherline.

Reason for Change Order: Current water line location is 7" below current ditch grade; at this location, the water line would be at grade where the proposed top of base and asphalt are to be located. RCP pipe for new project inlets are in conflict with the current grade. Relocating the water line behind the new inlets and buried at a depth to meet the standard 42 inches of cover required will alleviate the water line being located in the roadway.

Attachments: McLean Construction Change Order #6 Request form.

| CHANGE IN CONTRACT PRICE: |
|---|
| Original Contract Price \$ <u>17,171,171.10</u> |
| Net Increase (Decrease) from previous Change Orders No. <u>1</u> to <u>5</u> : \$ <u><1,631,901.80></u> |
| Contract Price prior to this Change Order: \$ <u>15,539,269.30</u> |
| Net Increase of this Change Order: \$ <u>51,975.00</u> |
| Contract Price with all approved Change Orders: \$ <u>15,591,244.30</u> |

| CHANGE IN CONTRACT TIMES: |
|---|
| Original Contract Times: Substantial Completion: <u>N/A</u> Ready for final payment: <u>N/A</u> (days or dates) |
| Net change from previous Change Orders No. <u>N/A</u> to No. <u>N/A</u> : Substantial Completion: <u>N/A</u> Ready for final payment: <u>N/A</u> (days) |
| Contract Times prior to this Change Order: Substantial Completion: <u>N/A</u> Ready for final payment: <u>N/A</u> (days or dates) |
| Net increase (decrease) this Change Order: Substantial Completion: <u>N/A</u> Ready for final payment: <u>N/A</u> (days) |
| Contract Times with all approved Change Orders: Substantial Completion: <u>N/A</u> Ready for final payment: <u>N/A</u> (days or dates) |

RECOMMENDED:

APPROVED:

ACCEPTED:

By: _____
ENGINEER (Authorized Signature)

By: _____
OWNER (Authorized Signature)

By: _____
CONTRACTOR (Authorized Signature)

Date: _____

Date: _____

Date: _____

EJCDC 1910-8-B (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute.

CHANGE ORDER

INSTRUCTIONS

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.



City of Killeen

Legislation Details

File #: CA-15-034 **Version:** 1 **Name:** Purchase for replacing network switching equipment
Type: Resolution/Consent Agenda **Status:** Consent Agenda
File created: 12/18/2014 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Consider a memorandum/resolution for the procurement of network and core switches through the co-operative purchasing network - Texas Department of Information Resources.
Sponsors: Information Technology Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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City of Killeen

Legislation Details

File #: CA-15-035 **Version:** 1 **Name:** Quarterly Investment Report Q1 FY 2015
Type: Resolution/Consent Agenda **Status:** Consent Agenda
File created: 3/4/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Consider a memorandum/resolution approving the investment report for the quarter ended December 31, 2014.
Sponsors: Finance Department
Indexes: Investment Reports
Code sections:
Attachments: [Council Memorandum](#)
[Quarterly Report](#)
[Presentation](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

**Investment Report for the Quarter
Ended December 31, 2014**

ORIGINATING DEPARTMENT

Finance

BACKGROUND INFORMATION

The City of Killeen's investment policy requires that a quarterly report of investment activity be submitted to the City Council within a reasonable time after the end of each quarter. The quarterly report shall include a detailed description of the investment position of the City, summarize the investment activity in each pooled fund group, state the total rate of return on the investment portfolio, and contain information regarding the market value and book values of each separately invested asset. The report also states the compliance of the investment portfolio of the City as it relates to the investment strategy expressed in the City's policy and the relevant provisions of the Public Funds Investment Act.

DISCUSSION/CONCLUSION

The attached investment report summarizes all investment activity for the quarter ended December 31, 2014. The highlights of the report are as follows:

| | July-Sep 2014 | Oct-Dec 2014 |
|--|---------------|---------------|
| Total interest earned during the quarter | \$62,223 | \$77,476 |
| Investment balance end of the quarter | \$125,239,615 | \$146,502,653 |
| Average yield total portfolio end of quarter | 0.23% | 0.23% |

FISCAL IMPACT

Our investment portfolio directly impacts our interest earnings and aligns with current budgeted amounts.

RECOMMENDATION

Staff recommends that the City Council approve the attached investment report for the quarter that ended December 31, 2014.



City of Killeen

QUARTERLY INVESTMENT REPORT

For the Quarter Ended

December 31, 2014

Prepared by

Valley View Consulting, L.L.C.

The investment portfolio of the City of Killeen is in compliance with the Public Funds Investment Act and the Investment Policy and Strategies.

Executive Director of Finance

Assistant Director of Finance

Disclaimer: These reports were compiled using information provided by the City. No procedures were performed to test the accuracy or completeness of this information. The market values included in these reports were obtained by Valley View Consulting, L.L.C. from sources believed to be accurate and represent proprietary valuation. Due to market fluctuations these levels are not necessarily reflective of current liquidation values. Yield calculations are not determined using standard performance formulas, are not representative of total return yields and do not account for investment advisor fees.

Strategy Summary:

The Federal Open Market Committee (FOMC) maintained the Fed Funds target range between 0.00% and 0.25% (actual Fed Funds traded +/-10 bps). The FOMC ended Quantitative Easing (QE3) in October. Third quarter 2014 GDP was a very strong 5.0%. New payroll and unemployment data also very positive. The FOMC remains concerned by lack of wage growth and overall participation. The US stock markets again touched new highs, but have recently retrenched. Shorter interest rates are rising, while International economical and political struggles weigh on longer term US interest rates. Financial institution deposit yields generally provide the best interest earnings opportunity, although spreads to security yields have tightened.

Quarter End Results by Investment Category:

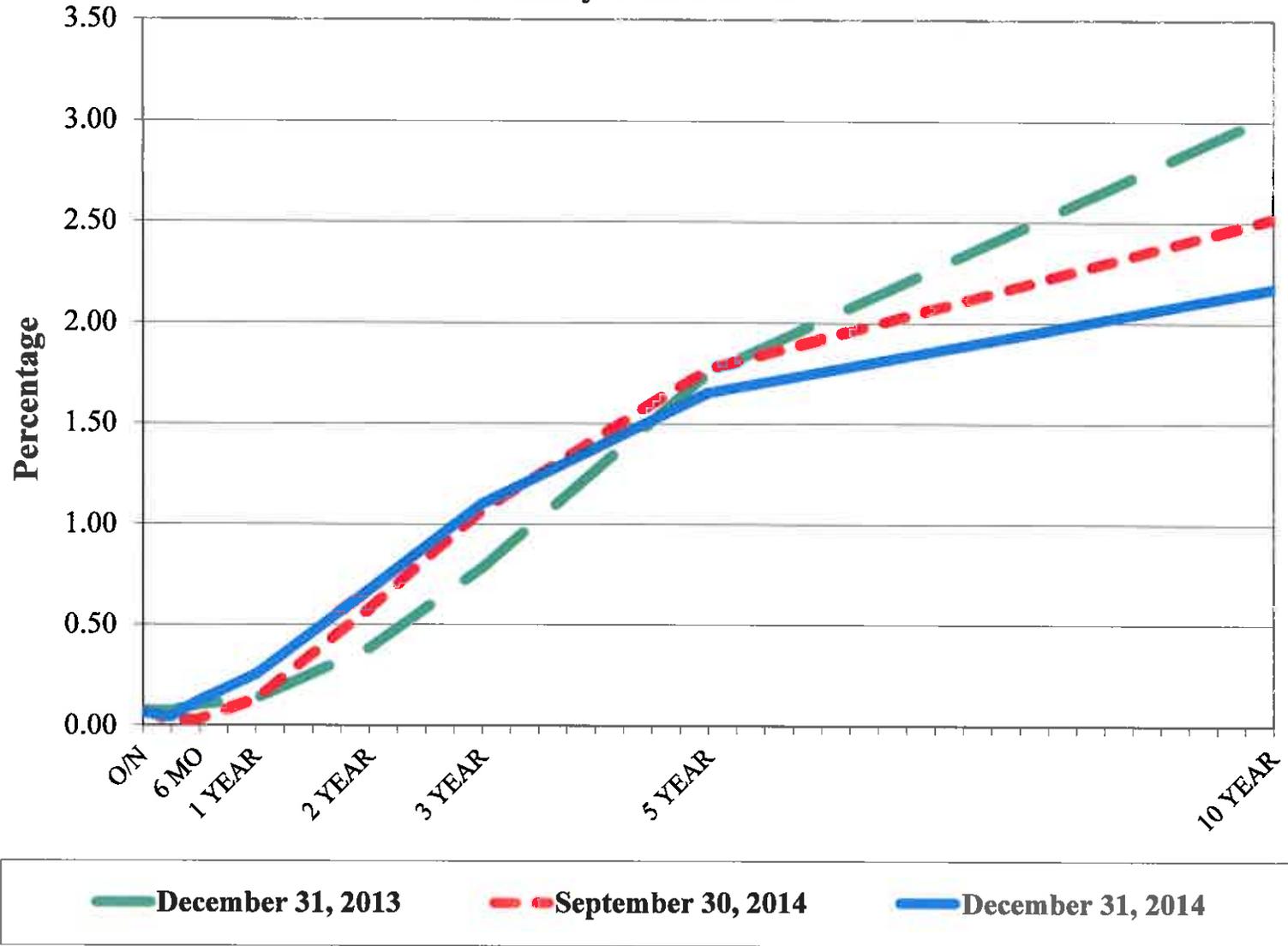
| <u>Asset Type</u> | <u>Ave. Yield</u> | <u>December 31, 2014</u> | | <u>September 30, 2014</u> | |
|-------------------|-------------------|--------------------------|-----------------------|---------------------------|-----------------------|
| | | <u>Book Value</u> | <u>Market Value</u> | <u>Book Value</u> | <u>Market Value</u> |
| Demand Accounts | 0.55% | \$ 7,441,852 | \$ 7,441,852 | \$ 4,146,597 | \$ 4,146,597 |
| Pools/MMA | 0.13% | 107,933,351 | 107,933,351 | 89,120,171 | 89,120,171 |
| Securities/CDs | 0.51% | 31,127,451 | 31,127,451 | 36,119,444 | 36,119,444 |
| Totals | | \$ 146,502,653 | \$ 146,502,653 | \$ 129,386,212 | \$ 129,386,212 |

| <u>Average Yield (1)</u> | | <u>Fiscal Year-to-Date Average Yield (2)</u> | |
|--------------------------------|-------|--|------------------|
| Total Portfolio | 0.23% | Total Portfolio | 0.23% |
| Rolling Three Mo. Treas. Yield | 0.02% | Rolling Three Mo. Treas. Yield | 0.02% |
| Rolling Six Mo. Treas. Yield | 0.07% | Rolling Six Mo. Treas. Yield | 0.07% |
| | | Quarterly TexPool Yield | 0.04% |
| | | Interest Income | Bank Fees Offset |
| | | Quarterly \$ 77,476 | \$ 10,074 |
| | | Year-to-date \$ 77,476 | \$ 10,074 |

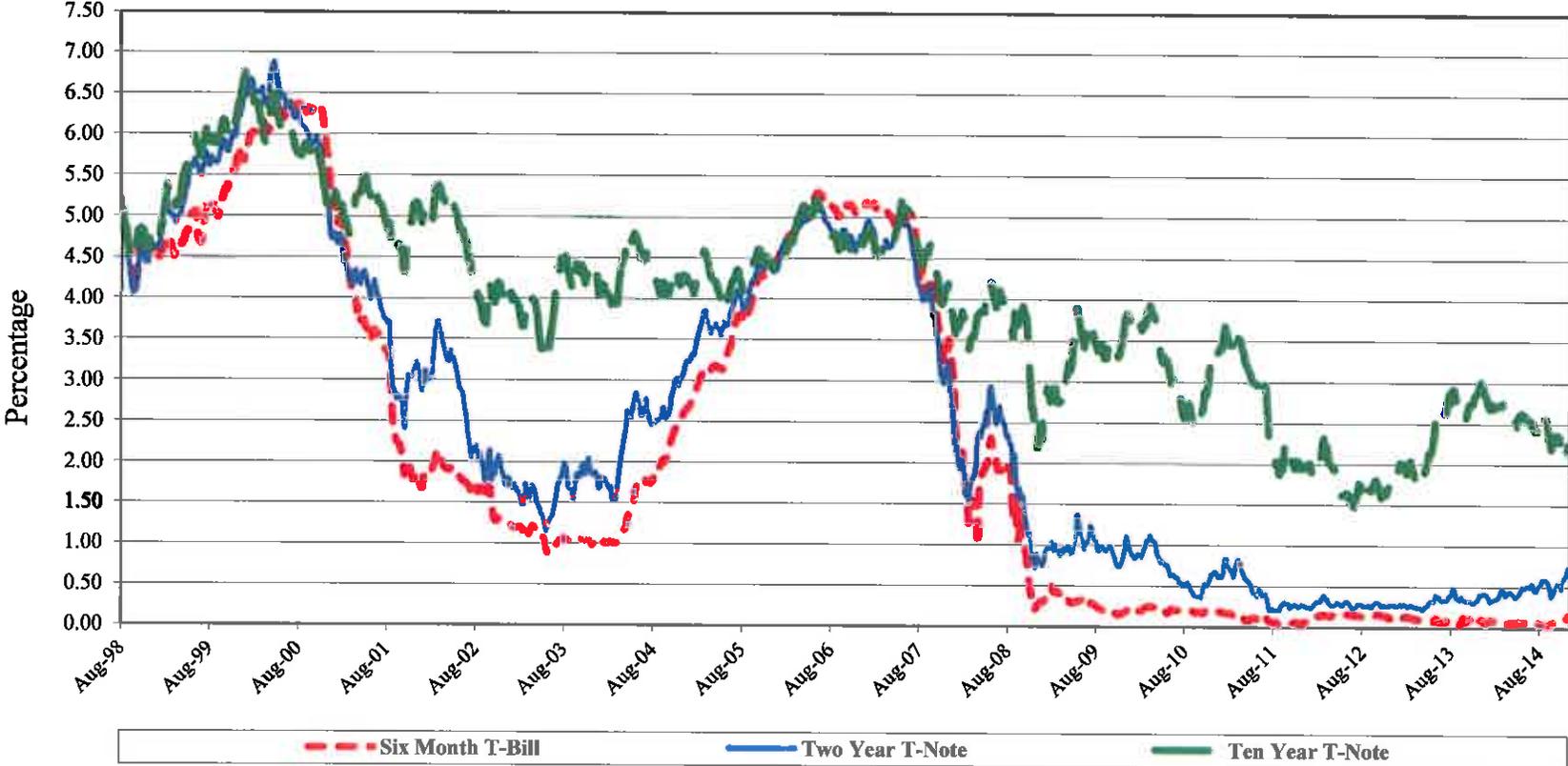
(1) Average Yield calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

(2) Fiscal Year-to-Date Average Yields calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

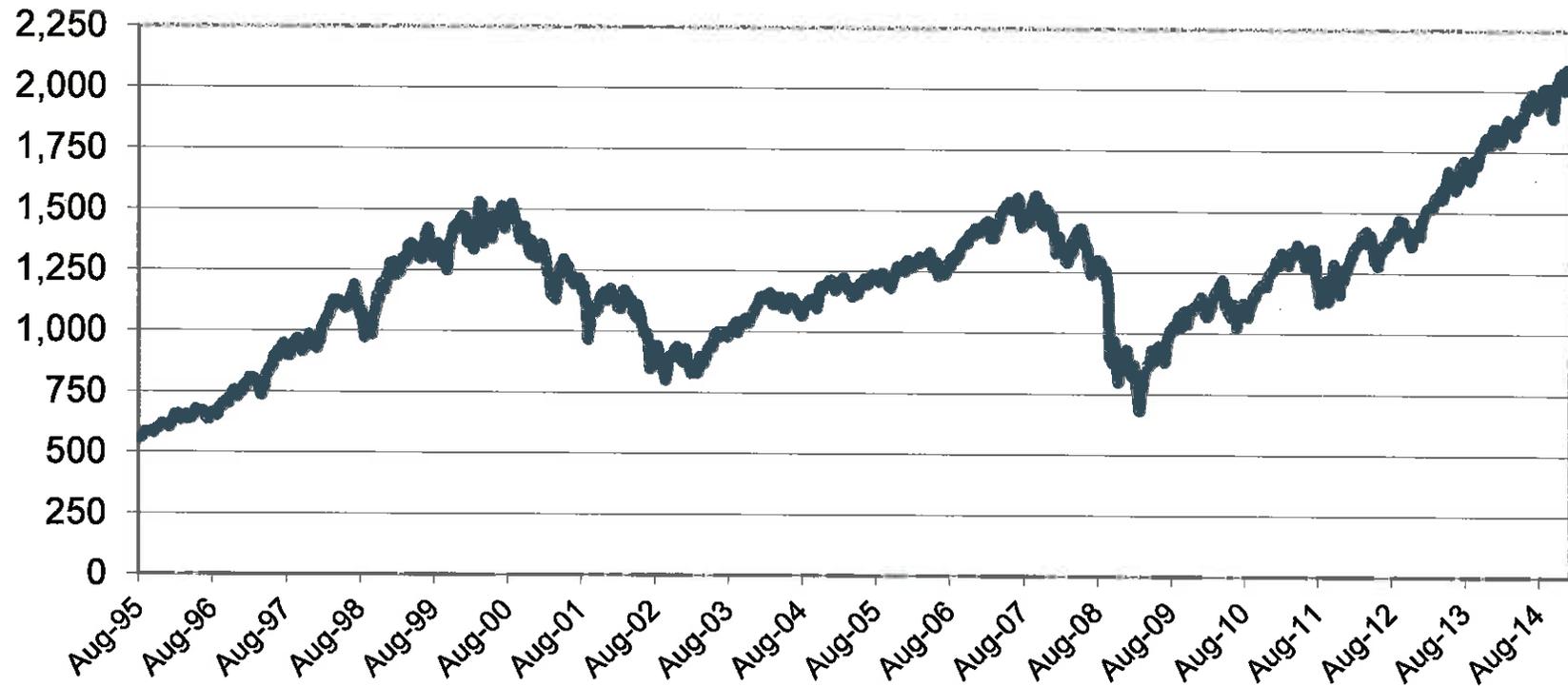
Treasury Yield Curves



US Treasury Historical Yields



S&P 500



Detail of Holdings

December 31, 2014

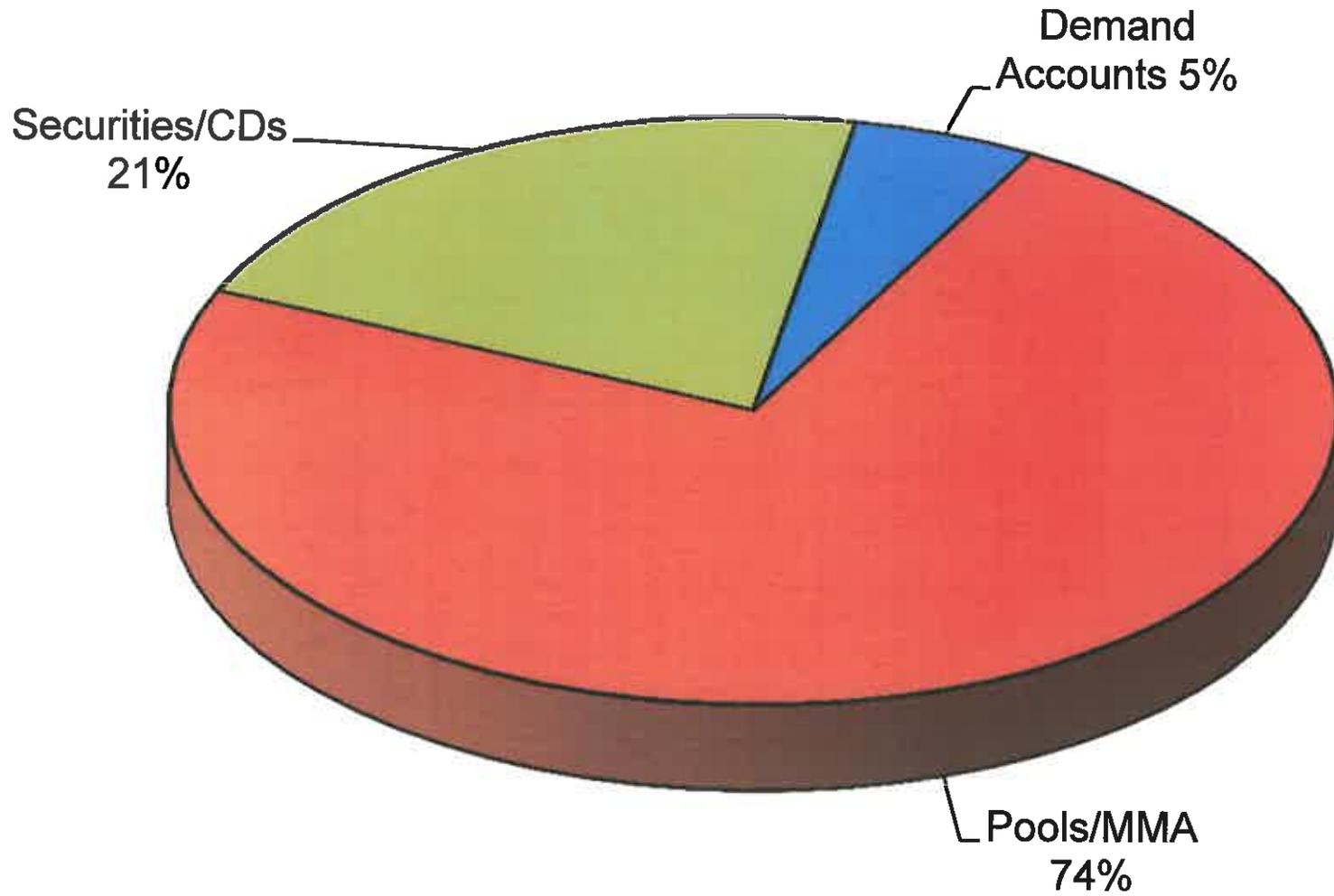
| Description | Ratings | Coupon/ Discount | Maturity Date | Settlement Date | Par Value | Book Value | Market Price | Market Value | Life (Days) | Yield |
|----------------------------|---------|---------------------|------------------|--------------------|-----------------------|-----------------------|-----------------|-----------------------|----------------|--------------|
| BBVA Demand Account | | 0.00% | 01/01/15 | 12/31/14 | 2,550,749 | \$ 2,550,749 | 1.00 | \$ 2,550,749 | 1 | 0.00% |
| BBVA DDA Comp. Balance (3) | | 0.86% | 01/01/15 | 12/31/14 | 4,673,377 | 4,673,377 | 1.00 | 4,673,377 | 1 | 0.86% |
| 1st Tennessee Bank | | 0.25% | 01/01/15 | 12/31/14 | 206,643 | 206,643 | 1.00 | 206,643 | 1 | 0.25% |
| Union State Bank | | 0.15% | 01/01/15 | 12/31/14 | 11,082 | 11,082 | 1.00 | 11,082 | 1 | 0.15% |
| BBVA Compass MMA 3 | | 0.21% | 01/01/15 | 12/31/14 | 5,020,368 | 5,020,368 | 1.00 | 5,020,368 | 1 | 0.21% |
| BBVA Compass MMA 4 | | 0.26% | 01/01/15 | 12/31/14 | 14,566,249 | 14,566,249 | 1.00 | 14,566,249 | 1 | 0.26% |
| FILA (IDP) | | 0.23% | 01/01/15 | 12/31/14 | 19,011,524 | 19,011,524 | 1.00 | 19,011,524 | 1 | 0.23% |
| Comerica MMA | | 0.15% | 01/01/15 | 12/31/14 | 3,151,543 | 3,151,543 | 1.00 | 3,151,543 | 1 | 0.15% |
| Southside Bank MMA | | 0.19% | 01/01/15 | 12/31/14 | 10,072,165 | 10,072,165 | 1.00 | 10,072,165 | 1 | 0.19% |
| TexasTerm | AAAm | 0.07% | 01/01/15 | 12/31/14 | 644,929 | 644,929 | 1.00 | 644,929 | 1 | 0.07% |
| TexPool | AAAm | 0.04% | 01/01/15 | 12/31/14 | 51,822,020 | 51,822,020 | 1.00 | 51,822,020 | 1 | 0.04% |
| TexStar | AAAm | 0.05% | 01/01/15 | 12/31/14 | 3,644,553 | 3,644,553 | 1.00 | 3,644,553 | 1 | 0.05% |
| Comerica Bank CD | | 0.43% | 01/26/15 | 04/26/13 | 2,517,998 | 2,517,998 | 100.00 | 2,517,998 | 26 | 0.43% |
| Comerica Bank CD | | 0.57% | 03/02/15 | 03/01/13 | 2,020,084 | 2,020,084 | 100.00 | 2,020,084 | 61 | 0.57% |
| Comerica Bank CD | | 0.57% | 03/02/15 | 03/01/13 | 2,020,084 | 2,020,084 | 100.00 | 2,020,084 | 61 | 0.57% |
| Central National Bank CD | | 0.31% | 04/26/15 | 04/26/13 | 2,010,331 | 2,010,331 | 100.00 | 2,010,331 | 116 | 0.31% |
| Comerica Bank CD | | 0.53% | 04/27/15 | 04/26/14 | 2,522,201 | 2,522,201 | 100.00 | 2,522,201 | 117 | 0.53% |
| Central National Bank CD | | 0.61% | 09/05/15 | 09/05/14 | 2,003,042 | 2,003,042 | 100.00 | 2,003,042 | 248 | 0.61% |
| Independent Bank CD | | 0.38% | 09/09/15 | 09/09/14 | 3,002,842 | 3,002,842 | 100.00 | 3,002,842 | 252 | 0.38% |
| Independent Bank CD | | 0.38% | 09/09/15 | 09/09/14 | 3,002,842 | 3,002,842 | 100.00 | 3,002,842 | 252 | 0.38% |
| Independent Bank CD | | 0.37% | 09/17/15 | 06/17/14 | 3,013,390 | 3,013,390 | 100.00 | 3,013,390 | 260 | 0.37% |
| Independent Bank CD | | 0.55% | 12/12/15 | 09/12/14 | 3,004,114 | 3,004,114 | 100.00 | 3,004,114 | 346 | 0.55% |
| Central National Bank CD | | 0.74% | 03/05/16 | 09/05/14 | 2,003,690 | 2,003,690 | 100.00 | 2,003,690 | 430 | 0.74% |
| Southside Bank CD | | 0.60% | 03/08/16 | 09/08/14 | 1,001,496 | 1,001,496 | 100.00 | 1,001,496 | 433 | 0.60% |
| Southside Bank CD | | 0.70% | 09/08/16 | 09/08/14 | 1,001,745 | 1,001,745 | 100.00 | 1,001,745 | 617 | 0.70% |
| Comerica Bank CD | | 0.72% | 09/08/16 | 09/08/14 | 2,003,592 | 2,003,592 | 100.00 | 2,003,592 | 617 | 0.72% |
| | | | | | \$ 146,502,653 | \$ 146,502,653 | | \$ 146,502,653 | 54 | 0.23% |
| | | | | | | | | | (1) | (2) |

(1) **Weighted average life** - For purposes of calculating weighted average life, cash equivalent investments are assumed to have a one day maturity.

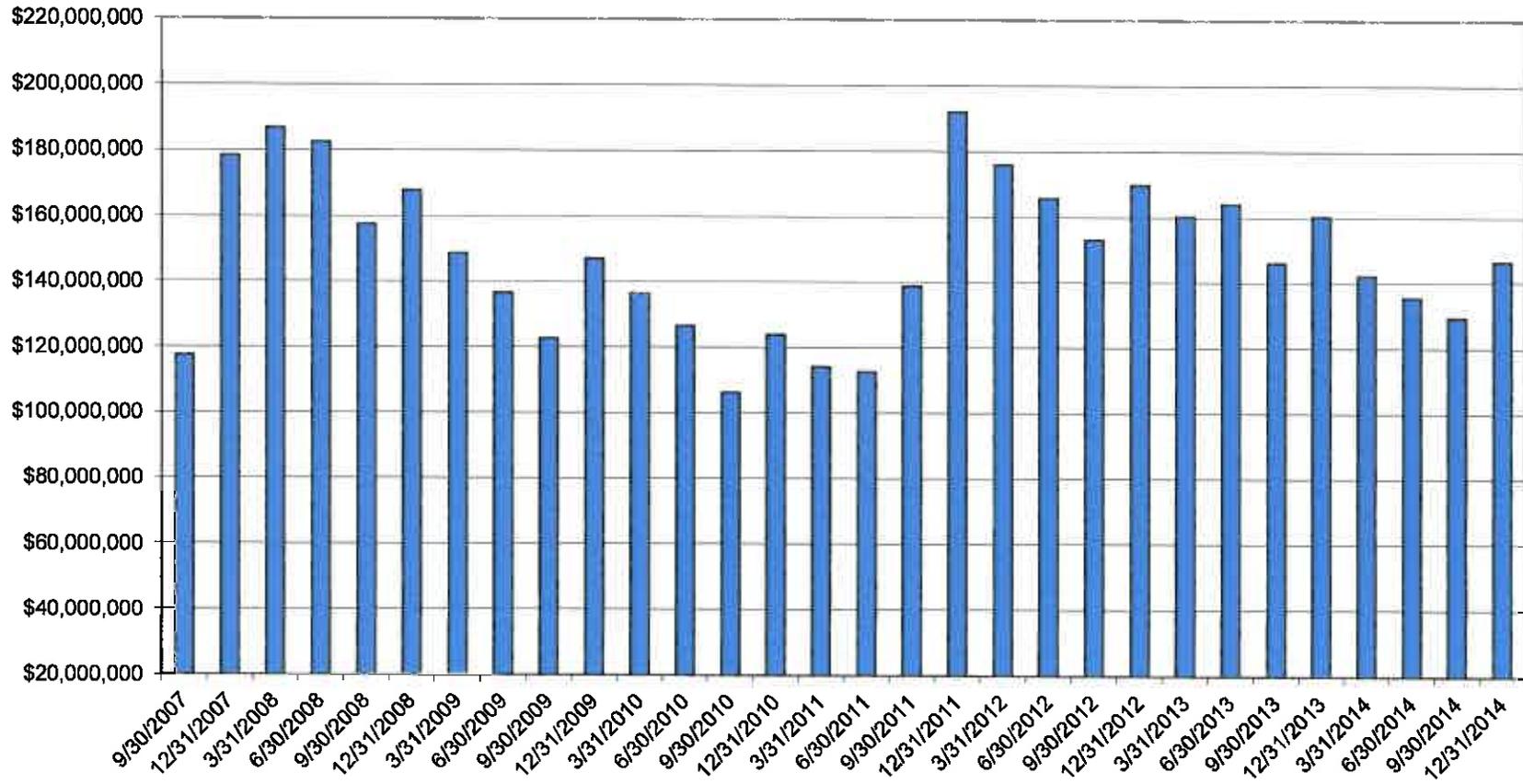
(2) **Weighted average yield to maturity** - The weighted average yield to maturity is based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for cash equivalent investments.

(3) **Equivalent Yield of Bank Fees Offset** - Compensating balance in bank operating account yielded an equivalent investment yield as a result of Bank fees offset.

Portfolio Composition



Total Portfolio



Book Value Comparison

| Description | Coupon/ Discount | Maturity Date | September 30, 2014 | | | December 31, 2014 | | |
|--------------------------|---------------------|------------------|-----------------------|-----------------------|---------------------------|-----------------------------|-----------------------|-----------------------|
| | | | Par Value | Book Value | Purchases/ Adjustments | Sales/Adjust/ Maturities | Par Value | Book Value |
| BBVA Demand Account | 0.86% | 01/01/15 | \$ 3,928,942 | \$ 3,928,942 | \$ 3,295,184 | \$ - | \$ 7,224,126 | \$ 7,224,125.73 |
| 1st Tennessee Bank | 0.25% | 01/01/15 | 206,576 | 206,576 | 67 | | 206,643 | 206,643 |
| Union State Bank | 0.15% | 01/01/15 | 11,078 | 11,078 | 4 | | 11,082 | 11,082 |
| BBVA Compass MMA 2 | 0.00% | 01/01/15 | 5,008,429 | 5,008,429 | | (5,008,429) | | |
| BBVA Compass MMA 3 | 0.21% | 01/01/15 | 3,010,733 | 3,010,733 | 2,009,636 | | 5,020,368 | 5,020,368 |
| BBVA Compass MMA 4 | 0.26% | 01/01/15 | 11,555,545 | 11,555,545 | 3,010,704 | | 14,566,249 | 14,566,249 |
| FILA (IDP) | 0.23% | 01/01/15 | 10,002,347 | 10,002,347 | 9,009,178 | | 19,011,524 | 19,011,524 |
| Comerica MMA | 0.15% | 01/01/15 | 9,049,697 | 9,049,697 | | (5,898,154) | 3,151,543 | 3,151,543 |
| Southside Bank MMA | 0.19% | 01/01/15 | 10,067,552 | 10,067,552 | 4,612 | | 10,072,165 | 10,072,165 |
| TexasTerm | 0.07% | 01/01/15 | 788,786 | 788,786 | | (143,857) | 644,929 | 644,929 |
| TexPool | 0.04% | 01/01/15 | 35,992,920 | 35,992,920 | 15,829,100 | | 51,822,020 | 51,822,020 |
| TexStar | 0.05% | 01/01/15 | 3,644,163 | 3,644,163 | 390 | | 3,644,553 | 3,644,553 |
| Central National Bank CD | 0.46% | 10/26/14 | 3,017,280 | 3,017,280 | | (3,017,280) | | |
| Comerica Bank CD | 0.47% | 12/01/14 | 2,014,186 | 2,014,186 | | (2,014,186) | | |
| Comerica Bank CD | 0.43% | 01/26/15 | 2,515,300 | 2,515,300 | 2,698 | | 2,517,998 | 2,517,998 |
| Comerica Bank CD | 0.57% | 03/02/15 | 2,017,216 | 2,017,216 | 2,868 | | 2,020,084 | 2,020,084 |
| Comerica Bank CD | 0.57% | 03/02/15 | 2,017,216 | 2,017,216 | 2,868 | | 2,020,084 | 2,020,084 |
| Central National Bank CD | 0.31% | 04/26/15 | 2,008,761 | 2,008,761 | 1,570 | | 2,010,331 | 2,010,331 |
| Comerica Bank CD | 0.53% | 04/27/15 | 2,518,871 | 2,518,871 | 3,330 | | 2,522,201 | 2,522,201 |
| Central National Bank CD | 0.61% | 09/05/15 | 2,000,000 | 2,000,000 | 3,042 | | 2,003,042 | 2,003,042 |
| Independent Bank CD | 0.38% | 09/09/15 | 3,000,000 | 3,000,000 | 2,842 | | 3,002,842 | 3,002,842 |
| Independent Bank CD | 0.38% | 09/09/15 | 3,000,000 | 3,000,000 | 2,842 | | 3,002,842 | 3,002,842 |
| Independent Bank CD | 0.37% | 09/17/15 | 3,010,613 | 3,010,613 | 2,777 | | 3,013,390 | 3,013,390 |
| Independent Bank CD | 0.55% | 12/12/15 | 3,000,000 | 3,000,000 | 4,114 | | 3,004,114 | 3,004,114 |
| Central National Bank CD | 0.74% | 03/05/16 | 2,000,000 | 2,000,000 | 3,690 | | 2,003,690 | 2,003,690 |
| Southside Bank CD | 0.60% | 03/08/16 | 1,000,000 | 1,000,000 | 1,496 | | 1,001,496 | 1,001,496 |
| Southside Bank CD | 0.70% | 09/08/16 | 1,000,000 | 1,000,000 | 1,745 | | 1,001,745 | 1,001,745 |
| Comerica Bank CD | 0.72% | 09/08/16 | 2,000,000 | 2,000,000 | 3,592 | | 2,003,592 | 2,003,592 |
| TOTAL | | | \$ 129,386,212 | \$ 129,386,212 | \$ 33,198,347 | \$ (16,081,906) | \$ 146,502,653 | \$ 146,502,653 |

Market Value Comparison

| Description | Coupon/ Discount | Maturity Date | September 30, 2014 | | Qtr to Qtr Change | December 31, 2014 | |
|--------------------------|---------------------|------------------|-----------------------|-----------------------|----------------------|-----------------------|-----------------------|
| | | | Par Value | Market Value | | Par Value | Market Value |
| BBVA Demand Account | 0.86% | 01/01/15 | \$ 3,928,942 | \$ 3,928,942 | \$ 3,295,184 | \$ 7,224,126 | \$ 7,224,126 |
| 1st Tennessee Bank | 0.25% | 01/01/15 | 206,576 | 206,576 | 67 | 206,643 | 206,643 |
| Union State Bank | 0.15% | 01/01/15 | 11,078 | 11,078 | 4 | 11,082 | 11,082 |
| BBVA Compass MMA 2 | 0.00% | 01/01/15 | 5,008,429 | 5,008,429 | (5,008,429) | | |
| BBVA Compass MMA 3 | 0.21% | 01/01/15 | 3,010,733 | 3,010,733 | 2,009,636 | 5,020,368 | 5,020,368 |
| BBVA Compass MMA 4 | 0.26% | 01/01/15 | 11,555,545 | 11,555,545 | 3,010,704 | 14,566,249 | 14,566,249 |
| FILA (IDP) | 0.23% | 01/01/15 | 10,002,347 | 10,002,347 | 9,009,178 | 19,011,524 | 19,011,524 |
| Comerica MMA | 0.15% | 01/01/15 | 9,049,697 | 9,049,697 | (5,898,154) | 3,151,543 | 3,151,543 |
| Southside Bank MMA | 0.19% | 01/01/15 | 10,067,552 | 10,067,552 | 4,612 | 10,072,165 | 10,072,165 |
| TexasTerm | 0.07% | 01/01/15 | 788,786 | 788,786 | (143,857) | 644,929 | 644,929 |
| TexPool | 0.04% | 01/01/15 | 35,992,920 | 35,992,920 | 15,829,100 | 51,822,020 | 51,822,020 |
| TexStar | 0.05% | 01/01/15 | 3,644,163 | 3,644,163 | 390 | 3,644,553 | 3,644,553 |
| Central National Bank CD | 0.46% | 10/26/14 | 3,017,280 | 3,017,280 | (3,017,280) | | |
| Comerica Bank CD | 0.47% | 12/01/14 | 2,014,186 | 2,014,186 | (2,014,186) | | |
| Comerica Bank CD | 0.43% | 01/26/15 | 2,515,300 | 2,515,300 | 2,698 | 2,517,998 | 2,517,998 |
| Comerica Bank CD | 0.57% | 03/02/15 | 2,017,216 | 2,017,216 | 2,868 | 2,020,084 | 2,020,084 |
| Comerica Bank CD | 0.57% | 03/02/15 | 2,017,216 | 2,017,216 | 2,868 | 2,020,084 | 2,020,084 |
| Central National Bank CD | 0.31% | 04/26/15 | 2,008,761 | 2,008,761 | 1,570 | 2,010,331 | 2,010,331 |
| Comerica Bank CD | 0.53% | 04/27/15 | 2,518,871 | 2,518,871 | 3,330 | 2,522,201 | 2,522,201 |
| Central National Bank CD | 0.61% | 09/05/15 | 2,000,000 | 2,000,000 | 3,042 | 2,003,042 | 2,003,042 |
| Independent Bank CD | 0.38% | 09/09/15 | 3,000,000 | 3,000,000 | 2,842 | 3,002,842 | 3,002,842 |
| Independent Bank CD | 0.38% | 09/09/15 | 3,000,000 | 3,000,000 | 2,842 | 3,002,842 | 3,002,842 |
| Independent Bank CD | 0.37% | 09/17/15 | 3,010,613 | 3,010,613 | 2,777 | 3,013,390 | 3,013,390 |
| Independent Bank CD | 0.55% | 12/12/15 | 3,000,000 | 3,000,000 | 4,114 | 3,004,114 | 3,004,114 |
| Central National Bank CD | 0.74% | 03/05/16 | 2,000,000 | 2,000,000 | 3,690 | 2,003,690 | 2,003,690 |
| Southside Bank CD | 0.60% | 03/08/16 | 1,000,000 | 1,000,000 | 1,496 | 1,001,496 | 1,001,496 |
| Southside Bank CD | 0.70% | 09/08/16 | 1,000,000 | 1,000,000 | 1,745 | 1,001,745 | 1,001,745 |
| Comerica Bank CD | 0.72% | 09/08/16 | 2,000,000 | 2,000,000 | 3,592 | 2,003,592 | 2,003,592 |
| TOTAL | | | \$ 129,386,212 | \$ 129,386,212 | \$ 17,116,441 | \$ 146,502,653 | \$ 146,502,653 |

Allocation

December 31, 2014

| Book & Market Value | Maturity Date | Total | General Operating | Special Revenue | Interest & Sinking | Enterprise Funds | Capital Projects | KEDC |
|--------------------------------|----------------------|-----------------------|--------------------------|------------------------|-------------------------------|-------------------------|-------------------------|---------------------|
| BBVA Demand Account | 01/01/15 | \$ 7,224,126 | \$ 3,213,598 | \$ 2,273,686 | \$ 2,379,548 | \$ 77,670 | \$ (954,126) | \$ 233,751 |
| 1st Tennessee Bank | 01/01/15 | 206,643 | 206,643 | | | | | |
| Union State Bank | 01/01/15 | 11,082 | | | | | 11,082 | |
| BBVA Compass MMA 3 | 01/01/15 | 5,020,368 | 2,008,086 | | | 3,012,282 | | |
| BBVA Compass MMA 4 | 01/01/15 | 14,566,249 | 5,011,638 | | | | 9,554,611 | |
| FILA (IDP) | 01/01/15 | 19,011,524 | 2,000,555 | | | 5,004,428 | 12,006,542 | |
| Comerica MMA | 01/01/15 | 3,151,543 | 3,018,279 | | | | 133,263 | |
| Southside Bank MMA | 01/01/15 | 10,072,165 | 4,028,675 | | | | 6,043,490 | |
| TexasTerm | 01/01/15 | 644,929 | 52,381 | | | 52,338 | 540,210 | |
| TexPool | 01/01/15 | 51,822,020 | 8,532,499 | 933,568 | 14,571,469 | 9,249,613 | 14,186,229 | 4,348,643 |
| TexStar | 01/01/15 | 3,644,553 | 2,429,702 | | | 1,214,851 | | |
| Central National Bank CD | 10/26/14 | | | | | | | |
| Comerica Bank CD | 12/01/14 | | | | | | | |
| Comerica Bank CD | 01/26/15 | 2,517,998 | | | | | 2,517,998 | |
| Comerica Bank CD | 03/02/15 | 2,020,084 | | | | 2,020,084 | | |
| Comerica Bank CD | 03/02/15 | 2,020,084 | 2,020,084 | | | | | |
| Central National Bank CD | 04/26/15 | 2,010,331 | | | | | 2,010,331 | |
| Comerica Bank CD | 04/27/15 | 2,522,201 | | | | | 2,522,201 | |
| Central National Bank CD | 09/05/15 | 2,003,042 | | | | | 2,003,042 | |
| Independent Bank CD | 09/09/15 | 3,002,842 | | | | | 3,002,842 | |
| Independent Bank CD | 09/09/15 | 3,002,842 | | | | | 3,002,842 | |
| Independent Bank CD | 09/17/15 | 3,013,390 | | | | | 3,013,390 | |
| Independent Bank CD | 12/12/15 | 3,004,114 | | | | 3,004,114 | | |
| Central National Bank CD | 03/05/16 | 2,003,690 | | | | | 2,003,690 | |
| Southside Bank CD | 03/08/16 | 1,001,496 | | | | 1,001,496 | | |
| Southside Bank CD | 09/08/16 | 1,001,745 | | | | 1,001,745 | | |
| Comerica Bank CD | 09/08/16 | 2,003,592 | | | | 2,003,592 | | |
| Totals | | \$ 146,502,653 | \$ 32,522,139 | \$ 3,207,254 | \$ 16,951,017 | \$ 27,642,213 | \$ 61,597,636 | \$ 4,582,394 |

Allocation

September 30, 2014

| Book & Market Value | Maturity Date | Total | General Operating | Special Revenue | Interest & Sinking | Enterprise Funds | Capital Projects | KEDC |
|--------------------------------|----------------------|-----------------------|--------------------------|------------------------|-------------------------------|-------------------------|-------------------------|---------------------|
| BBVA Demand Account | 10/01/14 | \$ 3,928,942 | \$ 1,278,161 | \$ 2,584,738 | \$ 1,590,363 | \$ 693,412 | \$ (2,452,899) | \$ 235,167 |
| 1st Tennessee Bank | 10/01/14 | 206,576 | 206,576 | | | | | |
| Union State Bank | 10/01/14 | 11,078 | | | | | 11,078 | |
| BBVA Compass MMA 2 | 10/01/14 | 5,008,429 | 5,008,429 | | | | | |
| BBVA Compass MMA 3 | 10/01/14 | 3,010,733 | | | | 3,010,733 | | |
| BBVA Compass MMA 4 | 10/01/14 | 11,555,545 | 2,007,053 | | | | 9,548,492 | |
| FILA (IDP) | 10/01/14 | 10,002,347 | | | | 5,001,528 | 5,000,819 | |
| Comerica MMA | 10/01/14 | 9,049,697 | 3,017,138 | | | | 6,032,558 | |
| Southside Bank MMA | 10/01/14 | 10,067,552 | 4,026,830 | | | | 6,040,723 | |
| TexasTerm | 10/01/14 | 788,786 | 52,373 | | 71 | 52,259 | 684,083 | |
| TexPool | 10/01/14 | 35,992,920 | 297,941 | 758,506 | 3,699,081 | 7,949,089 | 18,175,263 | 5,113,040 |
| TexStar | 10/01/14 | 3,644,163 | 2,429,442 | | | 1,214,721 | | |
| Central National Bank CD | 10/26/14 | 3,017,280 | | | | | 3,017,280 | |
| Comerica Bank CD | 12/01/14 | 2,014,186 | | | | 2,014,186 | | |
| Comerica Bank CD | 01/26/15 | 2,515,300 | | | | | 2,515,300 | |
| Comerica Bank CD | 03/02/15 | 2,017,216 | | | | 2,017,216 | | |
| Comerica Bank CD | 03/02/15 | 2,017,216 | 2,017,216 | | | | | |
| Central National Bank CD | 04/26/15 | 2,008,761 | | | | | 2,008,761 | |
| Comerica Bank CD | 04/27/15 | 2,518,871 | | | | | 2,518,871 | |
| Central National Bank CD | 09/05/15 | 2,000,000 | | | | | 2,000,000 | |
| Independent Bank CD | 09/09/15 | 3,000,000 | | | | | 3,000,000 | |
| Independent Bank CD | 09/09/15 | 3,000,000 | | | | | 3,000,000 | |
| Independent Bank CD | 09/17/15 | 3,010,613 | | | | | 3,010,613 | |
| Independent Bank CD | 12/12/15 | 3,000,000 | | | | 3,000,000 | | |
| Central National Bank CD | 03/05/16 | 2,000,000 | | | | | 2,000,000 | |
| Southside Bank CD | 03/08/16 | 1,000,000 | | | | 1,000,000 | | |
| Southside Bank CD | 09/08/16 | 1,000,000 | | | | 1,000,000 | | |
| Comerica Bank CD | 09/08/16 | 2,000,000 | | | | 2,000,000 | | |
| Totals | | \$ 129,386,212 | \$ 20,341,160 | \$ 3,343,244 | \$ 5,289,515 | \$ 28,953,144 | \$ 66,110,942 | \$ 5,348,207 |



City of Killeen

Legislation Details

File #: CA-15-036 **Version:** 1 **Name:** Appoint Election Judges and Alternate Judges
Type: Resolution/Consent Agenda **Status:** Consent Agenda
File created: 3/3/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Consider a memorandum/resolution appointing presiding and alternate judges for the May 9, 2015 general election.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Council Memorandum](#)

| Date | Ver. | Action By | Action | Result |
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CITY COUNCIL MEMORANDUM

AGENDA ITEM Consider appointment of Presiding and Alternate Election Judges

ORIGINATING DEPARTMENT City Secretary/City Attorney

BACKGROUND INFORMATION

Section 32.001 of the Election Code requires the City Council to appoint presiding and alternate judges for each of the polling locations used on Election Day.

DISCUSSION/CONCLUSION

The following Persons are hereby named as presiding election judges and alternate presiding judges for said election at said precinct polling places and as the Early Voting Ballot Board to process the early voting results.

PRECINCT #106: Rose Mary Campbell - Presiding Judge
Hazel Daniels - Alternate Judge

PRECINCT #109: David Barrett - Presiding Judge
Guadalupe Balle - Alternate Judge

PRECINCT #201/204: Judy Roundtree - Presiding Judge
Elaine James - Alternate Judge

PRECINCT #205: Klaus Adams - Presiding Judge
Ewald Coet - Alternate Judge

PRECINCT #206/402/409: Sue Hallmark - Presiding Judge
Joshua Burns - Alternate Judge

PRECINCT #207: Paul Eishen, Sr. - Presiding Judge
Darryl Breedlove - Alternate Judge

PRECINCT #203/208/210: LeeAnna George - Presiding Judge
Richard Hoxworth - Alternate Judge

PRECINCT #404: Phyllis Jones - Presiding Judge
Calvin Loc k - Alternate Judge

PRECINCT #405: John Driver - Presiding Judge
Racheal Brent - Alternate Judge

PRECINCT #406: Lucille Ward - Presiding Judge
Sandra O'Brien - Alternate Judge

PRECINCT #401/412/413: Bruce Ellyson - Presiding Judge
Sunok McNeal - Alternate Judge

PRECINCT #408: Art Kinsinger - Presiding Judge
Caroline Sowers - Alternate Judge

PRECINCT #410: Dorothy Kinsinger - Presiding Judge
Kerry Campbell - Alternate Judge

EARLY VOTING BALLOT BOARD:

Barbara Garrett - Presiding Judge
Claudia Brown - Alternate Judge

FISCAL IMPACT

The average cost to conduct an election is \$50,000.00 and \$50,000.00 has been budgeted in Account No. 010-1010-416.50-45. The joint election agreement between the City and KISD provides that KISD will pay half of the election costs.

RECOMMENDATION

Staff recommends the above individuals be named to serve as election officials for the election on May 9, 2015.



City of Killeen

Legislation Details

File #: CA-15-037 **Version:** 1 **Name:** Amended Joint Election Agreement
Type: Resolution/Consent Agenda **Status:** Consent Agenda
File created: 3/9/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Consider a memorandum/resolution amending the Joint Election Agreement with Killeen Independent School District to include Central Texas College.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Council Memorandum Agreement](#)

| Date | Ver. | Action By | Action | Result |
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Amend the Joint Election Contract with KISD to also include Central Texas College

ORIGINATING DEPARTMENT

City Attorney/City Secretary

BACKGROUND INFORMATION

Section 271.002 of the Election Code authorizes two or more political subdivisions that will hold elections on the same day in all or part of the same county to enter into an agreement to hold the elections jointly in the election precincts that can be served by common polling places.

DISCUSSION/CONCLUSION

On February 10, 2015 the City Council passed a resolution adopting a joint election contract between the City and KISD. Since then Central Texas College (CTC) has announced it will hold an election on the same day. The attached Joint Election agreement has been amended to include CTC.

FISCAL IMPACT

Allowing for a joint election with both KISD and CTC will allow the expenses of the May 9, 2015 election to be split three ways, saving the City approximately \$8,000.00.

RECOMMENDATION

Staff recommends adoption of the attached Amended Joint Election Agreement.

THE STATE OF TEXAS §
 § **CONTRACT FOR ELECTION SERVICES - Early Voting**
COUNTY OF BELL §

THIS CONTRACT made this ____ day of March 2015, by and between the City of Killeen, hereinafter called “Killeen,” the Killeen Independent School District, hereinafter called “KISD,” and the Central Texas College, hereinafter called “CTC”, pursuant to V.A.T.S., Election Code, Sec. 271.002 and Sec. 271.006, witnesseth:

1. **INTENT.** The parties have determined that it is in the public interest of the inhabitants of Killeen that this contract be made and entered into for the purpose of voter convenience and public economy in connection with the May 9, 2015 election. Each entity shall provide its own ballots.

2. **CONTRACTING OFFICERS.** The Contracting Officer for KISD is the Board of Trustees Secretary. The Contracting Officer for Killeen is the City Secretary. The Contracting Officer for CTC is the Office of the Chancellor Executive Assistant.

3. **DUTIES AND SERVICES OF CONTRACTING OFFICERS.** Killeen’s Contracting Officer shall procure the personnel as required to conduct early voting at the main early voting location and the two temporary branch early voting locations. In addition, KISD’s and CTC’s contracting officer shall procure the personnel as required to conduct early voting at their respective administration offices.

The order of election and notice of election includes the location of early voting, and Killeen agrees to support KISD and CTC in early voting at the Gilmore Senior Center, Lions Club Senior Center, and City Hall. Killeen will be responsible for the ordering of voter registration lists for early voting within the city limits of Killeen. KISD and CTC shall be responsible for ordering voter registration lists for precincts located wholly outside of the Killeen city limits and have responsibility for staffing and operation of early voting at a location to be determined by KISD and CTC.

4. **DUTIES AND SERVICES OF KILLEEN:**

- A. Qualify voters.
- B. Maintain poll list for early voting by personal appearance.
- C. Maintain signature roster for early voting by personal appearance.
- D. Provide copies of any documents as requested by KISD and CTC.

5. **COST OF SERVICE.** KISD and CTC each shall compensate Killeen for one-third of any personnel expenses necessitated as a result of this agreement and mutually agreed upon by the parties. Said costs shall not exceed the maximum allowable personnel costs for election officials. KISD and CTC each shall compensate Killeen one-third of any additional actual costs incurred by Killeen as a result of this agreement and mutually agreed upon in advance by the parties. Killeen shall compensate KISD and CTC for one-third of any personnel expenses necessitated as a result of this agreement and mutually agreed upon by the parties. In the event that Killeen is able to cancel a race in one or more districts, KISD and CTC shall share equally the cost of election expenses within those districts.

6. **TERMINATION.** In the event that all positions in the KISD, CTC, or Killeen election are uncontested and no proposition is presented for vote, that party shall have the right to withdraw from and terminate this agreement by notification of other party in writing. In that event, that party would not share in any cost of election operations, except fees accrued and expenses incurred prior to receipt of a written notice of termination by the party incurring such fees or expenses.

7. **GENERAL CONDITIONS.** Nothing contained in this contract shall authorize or permit a change (1) in the officer with whom or the place at which any document or record relating to the election is to be filed, or (2) in the place at which any function of the canvass of the election return is made.

EXECUTED in multiple originals as of the ____ day of March 2015.

CITY OF KILLEEN

By _____
Glenn Morrison, City Manager

ATTEST:

Dianna Barker, City Secretary

KILLEEN INDEPENDENT SCHOOL DISTRICT

By _____
Terry Delano, Board President

ATTEST:

Minerva Trujillo, Board Secretary

CENTRAL TEXAS COLLEGE

By _____
Charles Rex Weaver

ATTEST:

Debra Havens, Executive Assistant

THE STATE OF TEXAS §
 § **CONTRACT FOR ELECTION SERVICES - Election Day**
COUNTY OF BELL §

THIS CONTRACT made this ____ day of March 2015, by and between the City of Killeen, hereinafter called “Killeen,” the Killeen Independent School District, hereinafter called “KISD,” and Central Texas College, hereinafter called “CTC”, pursuant to V.A.T.S., Election Code, Sec. 271.002 and Sec. 271.006, witnesseth:

1. **INTENT.** The parties have determined that it is in the public interest of the inhabitants of Killeen that this contract be made and entered into for the purpose of voter convenience and public economy in connection with the May 9, 2015 election. Each entity shall provide its own ballots.

2. **CONTRACTING OFFICERS.** The Contracting Officer for KISD is the Board of Trustees Secretary. The Contracting Officer for Killeen is the City Secretary. The Contracting Officer for CTC is the Officer of the Chancellor Executive Assistant.

3. **DUTIES AND SERVICES OF CONTRACTING OFFICERS.** For voters living within the city limits, Killeen’s Contracting Officer shall procure and prepare the lists of registered voters, ballots, voting equipment, and personnel as required to conduct Election Day voting.

The order of election and notice of election includes the precinct locations of voting on Election Day, and Killeen agrees to support KISD and CTC in such voting. Killeen will be responsible for acquiring the election equipment from a company certified by the State of Texas. KISD and CTC shall be responsible for ordering voter registration lists and equipment for precincts located wholly outside the Killeen city limits and have responsibility for the staffing and operation of those precincts.

The thirteen city precincts and locations for Election Day voting (subject to availability) are as follows:

- Precinct #106 – Transforming Life Fellowship
- Precinct #109 – St. Joseph’s Catholic Church
- Precinct #203/208/209/210 – Cedar Valley Elementary School
- Precinct #201/204 – Fire Station #3
- Precinct #205 – Jackson Professional Learning Center
- Precinct #206/402/409 – Killeen Family Recreation Center at Lions Club Park
- Precinct #207 – Copper Mountain Branch Library
- Precinct #404 – Fire Station #7
- Precinct #405 – Robert M. Shoemaker High School
- Precinct #406 – Central Fire Station
- Precinct #401/412/413 – Haynes Elementary School
- Precinct #408 – Fire Station #5
- Precinct #410 – Fire Department Support Facility

4. **DUTIES AND SERVICES OF KILLEEN:**

- A. Qualify voters.
- B. Maintain poll list of voters.
- C. Maintain signature roster of voters.
- D. Provide copies of any documents as requested by KISD and/or CTC.

5. **COST OF SERVICE.** KISD and CTC each shall compensate Killeen for one-third of any personnel expenses necessitated as a result of this agreement and mutually agreed upon by the parties. Said costs shall not exceed the maximum allowable personnel costs for election officials. KISD and CTC each shall compensate Killeen one-third of any additional actual costs incurred by Killeen as a result of this agreement and mutually agreed upon in advance by the parties. . In the event that Killeen is able to cancel a race in one or more districts, KISD and CTC shall share equally the cost of election expenses within those districts.

6. **TERMINATION.** In the event that all positions in the KISD, CTC, or Killeen election are uncontested and no proposition is presented for vote, that party shall have the right to withdraw from and terminate this agreement by notification to the other party in writing. In that event, that party would not share in any cost of election operations, except fees accrued and expenses incurred prior to receipt of a written notice of termination by the party incurring such fees or expenses.

7. **GENERAL CONDITIONS.** Nothing contained in this contract shall authorize or permit a change (1) in the officer with whom or the place at which any document or record relating to the election is to be filed, or (2) in the place at which any function of the canvass of the election return is made.

EXECUTED in multiple originals as of the ____ day of March 2015.

CITY OF KILLEEN

By _____
Glenn Morrison, City Manager

ATTEST:

Dianna Barker, City Secretary

KILLEEN INDEPENDENT SCHOOL DISTRICT

By _____
Terry Delano, Board President

ATTEST:

Minerva Trujillo, Board Secretary

CENTRAL TEXAS COLLEGE

By _____
Charles Rex Weaver

ATTEST:

Debra Havens, Executive Assistant



City of Killeen

Legislation Details

File #: PH-15-015A **Version:** 1 **Name:** FLUM #15-04
Type: Ordinance/Public Hearing **Status:** Public Hearing/Ordinances
File created: 2/18/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: HOLD a public hearing and consider a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' to 'General Commercial' (FLUM# Z15-04) for approximately 3.5 acres, located along the south right-of-way of the West Elms Road extension, east of Carpet Lane, and north of Lots 1-8, Block 2, Stratford Addition 2nd Extension and Lot 8, Block 1, Stratford Addition 1st Extension, Killeen, Texas.
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Attachment Council Memorandum](#)
[Minutes](#)
[Ordinance](#)

| Date | Ver. | Action By | Action | Result |
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

**COMPREHENSIVE PLAN FUTURE LAND USE
MAP (FLUM) AMENDMENT: 'GENERAL
RESIDENTIAL' TO 'GENERAL COMMERCIAL'**

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Nature of the Request

This is a request to revise the Comprehensive Plan's Future Land Use Map (FLUM) to change a 'General Residential' designated area to a 'General Commercial' designated area for approximately 3.5 acres. The property is located along the south right-of-way of the West Elms Road extension, east of Carpet Lane, and north of Lots 1-8, Block 2, Stratford Addition 2nd Extension and Lot 8, Block 1, Stratford Addition 1st Extension, Killeen, Texas.

The applicant has submitted a concurrent request to rezone the subject properties from "R-1" (Single-Family Residential District) to "B-5" (Business District).

Land Use Plan: The property is designated as 'General Residential' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The Comprehensive Plan calls for detached residential dwellings; attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes); planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards; public/institutional; parks and public spaces. The characteristics of this designation include:

Predominantly "R-1" zoning district with less openness and separation between dwellings compared to 'Suburban Residential' areas.

Auto-oriented character that can be offset with architectural standards, landscaping and limited uniform subdivision designs.

Neighborhood-scale commercial emerging over time for well-suited areas.

If approved, the proposed revision to the property would result in a 'General Commercial' designation on the Future Land Use Map (FLUM) of the Comprehensive Plan. This designation calls for a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.

Figure 1. Future Land Use Map (FLUM)

See Attachment

The items below should be reviewed and addressed when a Future Land Use & Character map adjustment is proposed:

Scope of Amendment: Is the proposed map change limited to one or a few parcels, or would it affect a much larger area? **The amendment affects approximately 3.5 acres of land; which is considered small scale.**

Change in Circumstances: What specific conditions (e.g., population size and/or characteristics, area character and building form, property/structure conditions, infrastructure or public services, market factors including need for more land in a particular designation, etc.) have changed sufficiently to render the current map designation(s) inappropriate or out-of-date? **There has been significant change in transportation infrastructure in the area. The City has planned for the extension of West Elms Road, which is classified as a 90' minor arterial on the City's adopted Thoroughfare Plan, for many years. The City is now actively constructing West Elms Road. The extension of West Elms Road will provide a continuous arterial corridor and multiple roadway connectivity points. It also fundamentally changes the character of this area of the City by introducing higher volume vehicular/pedestrian traffic, increased corridor visibility and new commercial corners. The West Elms Road extension, in effect, will create a new growth area, and the need for more land in a 'General Commercial' designation.**

Consistency with Other Plans: In addition to the Comprehensive Plan, is the proposed map change consistent with the intent and policy direction of any applicable small area plans, utility or drainage plans, or other City plans? **This proposed amendment is compatible with other city planning efforts.**

Adequate Information: Do City staff, the Planning and Zoning Commission, and/or City Council have enough and appropriate information to move ahead with a decision (e.g., utility capacity, potential traffic impacts, other public service implications, resident/stakeholder concerns and input)? **Yes, this information has been considered in the West Elms Road extension.**

Stakeholder Input: What points, concerns, and insights have been raised by area residents, property owners, business owners, or others? **With the exception of listing this action as a public hearing item on the Planning and Zoning Commission's agenda, there is no public notice requirement for this amendment action; staff received no stakeholder input during the Planning and Zoning Commission's public hearing.**

Recommendation

The Planning and Zoning Commission recommended approval of amending the Future Land Use Map from 'General Residential' to 'General Commercial' by a vote of 8 to 0. Chapter 4 of the Comprehensive Plan, *Mobility*, highlights that *"homes fronting directly onto busy streets are a concern...both for roadway capacity and safety reasons, as well as longer-term values and appeal of these properties for residential use."* Amending the FLUM will help promote neighborhood shopping and retail centers in this part of the City, while providing a commercial buffer between the existing Stratford Addition subdivision and West Elms Road. It also satisfies the planning need for commercial and retail development along this corridor.

Figure 1. Future Land Use Map (FLUM)



Note: Subject area has been identified as 'General Residential'

**PLANNING AND ZONING COMMISSION MEETING
MARCH 2, 2015**

**CASE FLUM #Z15-04
GENERAL RESIDENTIAL TO GENERAL COMMERCIAL**

HOLD a public hearing and consider a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' to 'General Commercial' for approximately 3.5 acres, located along the south right-of-way of the West Elms Road extension, east of Carpet Lane, and north of Lots 1-8, Block 2, Stratford Addition 2nd Extension and Lot 8, Block 1, Stratford Addition 1st Extension, Killeen, Texas.

Chairman Frederick requested staff comments.

Senior Planner Charlotte Humpherys, stated that this request is the result of a request to amend to Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' to General Commercial'.

Staff recommended amending the Future Land Use Map from 'General Residential' to 'General Commercial'. Chapter 4 of the Comprehensive Plan, *Mobility*, highlights that "*homes fronting directly onto busy streets are a concern...both for roadway capacity and safety reasons, as well as longer-term values and appeal of these properties for residential use.*" Amending the FLUM will help promote neighborhood shopping and retail centers in this part of the City, while providing a commercial buffer between the existing Stratford Addition subdivision and West Elms Road. It also removes a future planning need for additional general residential development along this corridor.

Mr. Bob Mitchell, Mitchell & Associates, Inc., 102 N. College Street, Killeen, Texas, was present to represent the request.

Chairman Frederick opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Butler motioned to recommend approval of the requested change to the FLUM. Vice Chair Dorroh seconded the motion. The motion passed 8-0.

Chairman Frederick stated that this request will be forwarded to City Council, on March 24, 2015, with a recommendation to approve.

ORDINANCE _____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL RESIDENTIAL' TO 'GENERAL COMMERCIAL' FOR APPROXIMATELY 3.5 ACRES OF LAND LOCATED ALONG THE SOUTH RIGHT-OF-WAY OF WEST ELMS ROAD, EAST OF CARPET LANE, AND NORTH OF LOTS 1-8, BLOCK 2, STRATFORD ADDITION 2ND EXTENSION AND LOT 8, BLOCK 1, STRATFORD ADDITION 1ST EXTENSION, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to achieve orderly growth and fiscally prudent land development; and,

WHEREAS, the City Council finds that zoning regulations must be adopted in accordance with a comprehensive plan; and,

WHEREAS, the City Council has received a request from Bellpas, Inc. to revise the Future Land Use Map of the Comprehensive Plan to change approximately 3.5 acres from 'General Residential' to 'General Commercial'; and

WHEREAS, the City Council finds that Chapter 213.003 of the Local Government Code enables municipalities to adopt and amend comprehensive plans in the interest of coordinating long-range development of the municipality.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I: That the land use designation of the following described tract be amended from 'General Residential' to 'General Commercial' for approximately 3.5 acres, being located along the south right-of-way of West Elms Road, east of Carpet Lane, and north of Lots 1-8, Block 2, Stratford Addition 2nd Extension and Lot 8, Block 1, Stratford Addition 1st Extension, Killeen, Texas.

SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

SECTION III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 31st day of March 2015, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:

Scott Cospers
MAYOR

ATTEST:

Diana Barker
CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis
CITY ATTORNEY

Case #:FLUM #Z15-04
Ord#:15-___



City of Killeen

Legislation Details

File #: PH-15-015B **Version:** 1 **Name:** Zoning 15-04
Type: Ordinance/Public Hearing **Status:** Public Hearing/Ordinances
File created: 2/18/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: HOLD a public hearing and consider an ordinance requested by Bellpas, Inc. (Case #Z15-04) to rezone 2.9 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District), being part of the Thomas Robinette Survey, Abstract No. 686. The property is located at the southeast corner of the intersection of West Elms Road and Carpet Lane, Killeen, Texas.
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Attachment to Council Memorandum](#)
[Minutes](#)
[Ordinance](#)
[Application](#)
[Location Map](#)
[Buffer Map](#)
[Considerations](#)

| Date | Ver. | Action By | Action | Result |
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

ZONING CASE #Z15-04 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-5" (BUSINESS DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Nature of the Request

Bellpas, Inc. submits a request to rezone 2.9 acres out of the Thomas Robinette Survey, Abstract No. 686, from "R-1" (Single-Family Residential District) to "B-5" (Business District). The property is located at the southeast corner of the intersection of West Elms Road and Carpet Lane, Killeen, Texas.

A building or premises in the "B-5" Business District shall be used only for the following purposes:

- (1) Any use permitted in the "B-4" district.
- (2) Building material and lumber sales (outside storage permitted).
- (3) Storage warehouse. Less than one hundred thousand (100,000) square feet.
- (4) Newspaper or job printing.
- (5) Railroad or bus passenger terminal.
- (6) Tire recapping or retreading.
- (7) Trailer rental or sales.
- (8) Wholesale house.
- (9) Auto parts sales, used. No outside storage, display or dismantling.
- (10) A customarily incidental use.
- (11) Any commercial use not included in any other district, provided such use is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (12) Mobile home sales.
- (13) Sale of beer and/or wine for off-premises consumption only.
- (14) Tattooing (as licensed per Texas Health and Safety Code, chapter 146, as amended).

Property Specifics

Applicant/Property Owner: Bellpas, Inc.

Property Location: The property is located at the southeast corner of the intersection of West Elms Road and Carpet Lane, Killeen, Texas.

Legal Description: 2.9 acres out of the Thomas Robinette Survey, Abstract No. 686.

Zoning/Plat Case History:

There is no recent zoning activity for this property.
This property has not been platted.

Character of the Area

Existing Land Uses(s) on the Property: Vacant.

Figure 1. Zoning Map

See Attachment

Historic Properties: None

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: The existing potable water main that serves the property is an 8-inch diameter distribution main running along Carpet Lane and a 6-inch diameter distribution main running along Granite Drive. Upon approval of a future development permit application, the developer would be required to extend public water mains across the property to provide adequate commercial and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. A permit applicant is solely responsible for, and shall perform and submit the results of all required testing of the public water mains to confirm adequate flow and pressure exists to support any Code-mandated fire protection measures.

The existing sanitary sewer main that serves the property is an 10-inch diameter collection main along Granite Drive. Upon approval of a future development permit application, the developer would be required to extend public sanitary sewer mains to provide adequate collection capacity in accordance with the City of Killeen Code of Ordinances and other applicable development criteria.

Transportation:

Existing conditions: The site has frontage along West Elms Road and Carpet Lane, which are classified as a 90' minor arterial and a 60' local street respectively, on the City's adopted Thoroughfare Plan. Ingress/egress to the tract from West Elms Road will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is developed.

Proposed Improvements: West Elms Road, currently under construction along the northern border of the property, will be an urbanized road section (curb and gutter).

Projected Traffic Generation: Moderate.

Environmental Assessment

Topography: The property is undulating and ranges in elevation from 968 feet to 984 feet above sea level.

Regulated Floodplain/Floodway/Creek: The subject property is not in a FEMA regulatory Special Flood Hazard Area (SFHA). This parcel is located immediately upstream of a regulated Special Flood Hazard Area (SFHA). Current City codes require the establishment of a creek buffer zone along the main branch of Trimmier Road Ditch that will span a distance of 25' beyond the top of each bank. Currently there are two watercourses that collect sheet flow runoff on this development enters Trimmier Road Ditch within the subdivision boundary. Although aerial maps show a tributary that runs from Carpet Lane to the junction with Trimmier Road Ditch, due to the installation of storm drains along Carpet Lane and West Elms Road, this tributary will no longer be necessary once the West Elms Road Extension project is completed. Trimmier Road Ditch flows into Little Nolan Creek and then into Nolan Creek prior to leaving the City. Both Little Nolan Creek and Nolan Creek are currently listed on the TCEQ's 2012 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

Land Use Analysis

Land Use Plan: This area is designated for 'General Residential' character on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The Comprehensive Plan considers 'General Residential' to be of a medium intensity category/character that encompasses detached residential dwelling units, attached housing types, planned developments, as well as parks and public/institutional places. Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites, and in locations, within or near the edge of 'General Residential' areas.

Consistency: The applicant's proposed change to a "B-5" commercially zoned district is not consistent with the Killeen Comprehensive Plan. There is a concurrent consideration to amend the FLUM from 'General Residential' to 'General Commercial'.

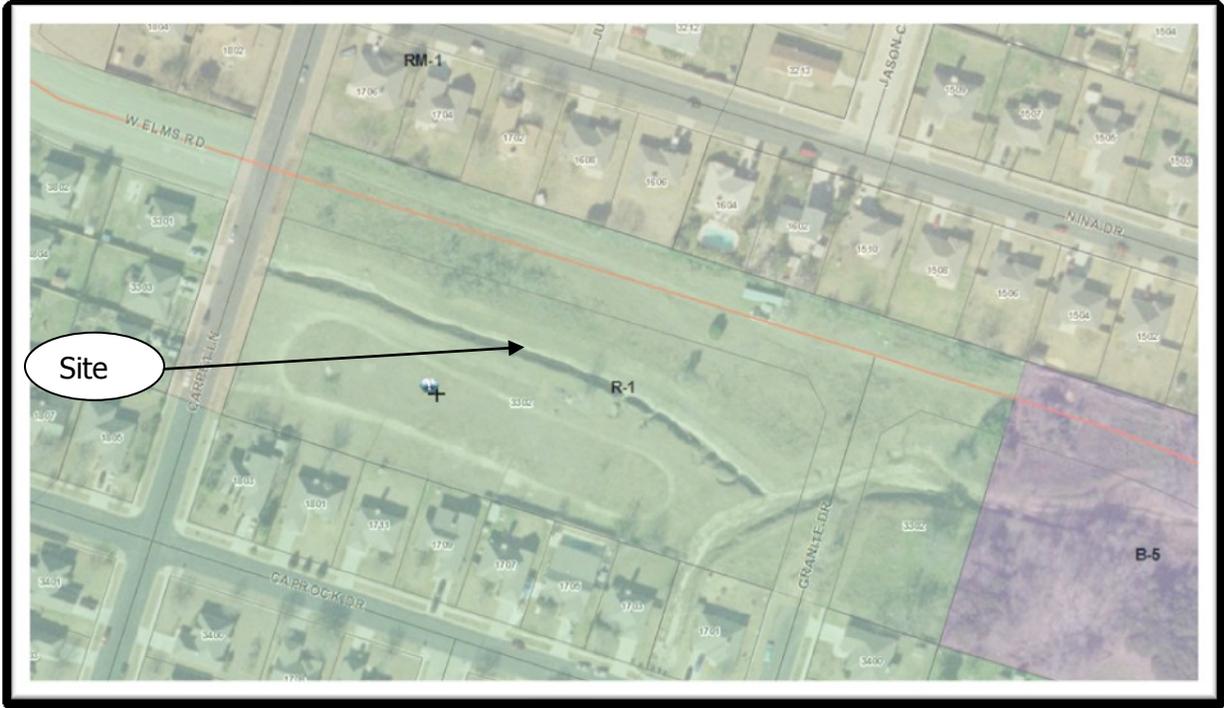
Public Notification

Staff notified 42 surrounding property owners within the 200' notification area. Staff has received no protests.

Recommendation

The Planning and Zoning Commission recommended approval of "B-3" zoning by a vote of 8 to 0. At 2.9 acres, the property has sufficient land area to support a small shopping/ retail operation or other associated uses. The "B-3" zoning also reduces potential land use incompatibilities that may arise with abutting single-family residential development. This tract does not abut any commercially zoned property.

Figure 1. Zoning Map



**PLANNING AND ZONING COMMISSION MEETING
MARCH 2, 2015**

**CASE #Z15-04
R-1 to B-5**

HOLD a public hearing and consider a request by Bellpass, Inc. to rezone approximately 2.9 acres, out of the T. Robinett Survey, Abstract No. 686, from R-1 (Single-Family Residential District) to B-5 (Business District). The property is located on the southeast corner of Carpet Lane and Elms Road, Killeen, Texas.

Chairman Frederick requested staff comments.

Senior Planner Charlotte Humpherys, stated that Bellpas, Inc. submitted a request to rezone 2.9 acres out of the Thomas Robinette Survey, Abstract No. 686, from “R-1” (Single-Family Residential District) to “B-5” (Business District). The property is located at the southeast corner of the intersection of W. Elms Road and Carpet Lane, Killeen, Texas.

Staff notified 42 surrounding property owners within the 200’ notification boundary and no responses have been received.

Staff recommended approval of “B-3” (Local Business District) for the property. At 2.9 acres, the property has sufficient land area to support a small shopping/ retail operation or other associated uses. The “B-3” zoning also reduces potential land use incompatibilities that may arise with abutting single-family residential development. This tract does not abut any commercially zoned property.

Mr. Bob Mitchell, Mitchell and Associates, Inc., 102 N. College, Killeen, Texas, was present to represent this request.

Chairman Frederick opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Alvarez motioned to recommend approval of B-3 zoning. Commissioner Butler seconded the motion. The motion passed 8–0.

Chairman Frederick stated that this request will be forwarded to City Council, on March 24, 2015, with a recommendation to approve.

ORDINANCE

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-5 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bellpas, Inc. submits this request for an amendment of the zoning ordinance of the City of Killeen by changing the classification of approximately 2.9 acres, being part of the Thomas Robinette Survey, Abstract No. 686, from R-1 (Single-Family Residential District) to B-5 (Business District), said request having been duly presented and recommended for approval of B-3 (Local Business District) zoning by the Planning and Zoning Commission of the City of Killeen on the 2nd day of March 2015, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 31st day of March 2015, at the City Hall, City of Killeen;

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the majority opinion that the request should be approved;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That the City Council has determined that the zoning classification of the following described tract be changed from R-1 (Single-Family Residential District) to B-3 (Local Business District) zoning for approximately 2.9 acres, being part of the Thomas Robinette Survey, Abstract No. 686, and being located at the southeast corner of

the intersection of West Elms Road and Carpet Lane, Killeen, Texas.

SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

SECTION III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 31st day of March 2015, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:

Scott Cosper, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, City Attorney

Case #15-04
Ord. #15-___



**City of Killeen
Zoning Change Application**

Name(s) of Property Owner (s): Bellpas, Inc.

Address: P.O. Box 280

City: Kempner State: Texas Zip: 76539

Home Phone: N/A Business Phone: N/A Cell Phone: 254-290-7023

Name of Applicant: Same as Above
(if different than Property Owner)

Address: Same as Above

City: Same as Above State: Same as Above Zip: Same as Above

Home Phone: () N/A Business Phone: () Same as Above Cell Phone:

Address/ Location of Property to be Rezoned: The corner of Carpet Lane and Elms

Has the Property been Platted? N
Lot(s) Block(s) Subdivision

Legal Description: 2.9 Acres out of the T. Robinett Survey, Abstract No. 686

Is there a simultaneous plat of this property? No

Type of Ownership: Sole Ownership Partnership Corporation Other

Recorded Copy of Warranty Deed: Vol. 2959, Page 199

Is copy of the deed attached? Yes

Present Zoning(s): R-1 Present Use: Undeveloped

Proposed Zoning(s): B-5 Proposed Use: Business

APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Mitchell & Associates, Inc.

Mailing Address: P.O. Box 1088 / 102 N College

City: Killeen State: Texas Zip: 76540 - _____

Home Phone: (____) N/A Business Phone: (254) 634-5541

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. If at any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application, are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to "I", "my," or "me" is a reference to the entity.

Signature of Agent Title Agent

Printed/Typed Name of Agent Mitchell & Associates, Inc. Date 1-30-15

Signature of Property Owner Title Agent

Printed/Typed Name of Property Owner Mike Atkinson Date _____

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

* Applications must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association.



**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:
#Z15-04

ZONING FROM:
R-1 TO B-5

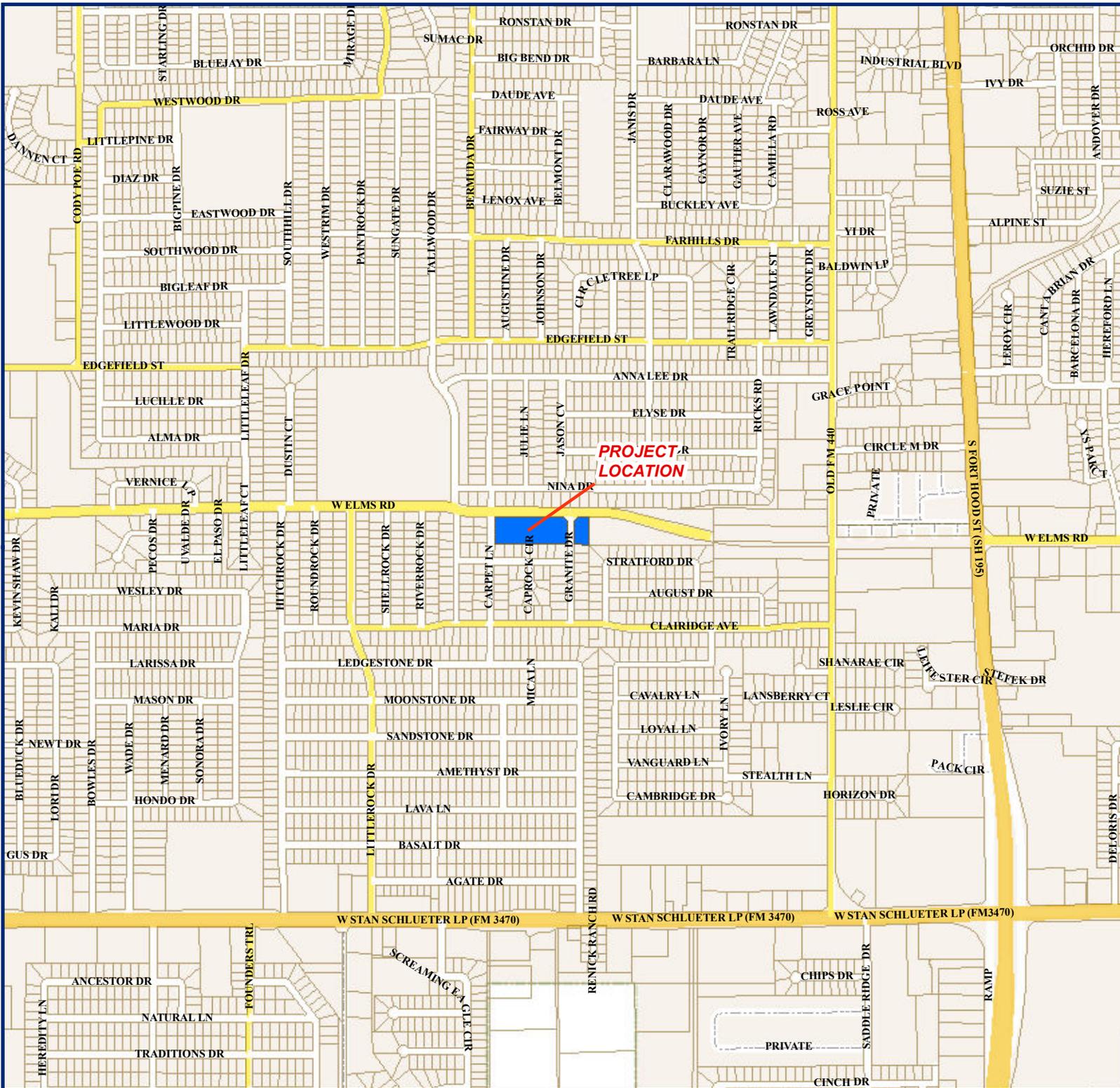
PROPERTY OWNER:
Bellpas Inc

Legend

-  Parcel
-  Zoning Case
-  City Limits



Date: 2/2/2015





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

#Z15-04

ZONING FROM:

R-1 TO B-5

PROPERTY OWNER:

Bellpas Inc

LEGEND

-  15_04
-  Zoning Case
-  Subdivision
-  Parcel
-  City Limits



Date: 2/2/2015



CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use is in harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.



City of Killeen

Legislation Details

File #: PH-15-015C **Version:** 1 **Name:** Zoning 15-05
Type: Ordinance/Public Hearing **Status:** Public Hearing/Ordinances
File created: 2/18/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: HOLD a public hearing and consider an ordinance requested by Bellpas, Inc. (Case #Z15-05) to rezone 0.6 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District), being part of the Thomas Robinette Survey, Abstract No. 686. The property is locally known as 3302 Granite Drive, Killeen, Texas.
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Attachment to Council Memorandum](#)
[Minutes](#)
[Ordinance](#)
[Application](#)
[Location Map](#)
[Buffer Map](#)
[Considerations](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

CITY COUNCIL MEMORANDUM

AGENDA ITEM

ZONING CASE #Z15-05 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-5" (BUSINESS DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Nature of the Request

Bellpas, Inc. submits a request to rezone 0.6 acres out of the Thomas Robinette Survey, Abstract No. 686, from "R-1" (Single-Family Residential District) to "B-5" (Business District). The property is locally known as 3302 Granite Drive, Killeen, Texas.

A building or premises in the "B-5" Business District shall be used only for the following purposes:

- (1) Any use permitted in the "B-4" district.
- (2) Building material and lumber sales (outside storage permitted).
- (3) Storage warehouse. Less than one hundred thousand (100,000) square feet.
- (4) Newspaper or job printing.
- (5) Railroad or bus passenger terminal.
- (6) Tire recapping or retreading.
- (7) Trailer rental or sales.
- (8) Wholesale house.
- (9) Auto parts sales, used. No outside storage, display or dismantling.
- (10) A customarily incidental use.
- (11) Any commercial use not included in any other district, provided such use is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (12) Mobile home sales.
- (13) Sale of beer and/or wine for off-premises consumption only.
- (14) Tattooing (as licensed per Texas Health and Safety Code, chapter 146, as amended).

Property Specifics

Applicant/Property Owner: Bellpas, Inc.

Property Location: The property is locally known as 3302 Granite Drive, Killeen, Texas.

Legal Description: 0.6 acres out of the Thomas Robinette Survey, Abstract No. 686.

Zoning/Plat Case History:

There is no recent zoning activity for this property.

This property has not been platted.

Character of the Area

Existing Land Uses(s) on the Property: Vacant.

Figure 1. Zoning Map

See Attachment

Historic Properties: None

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: The existing potable water main that serves the property is an 8-inch diameter distribution main running along Carpet Lane and a 6-inch diameter distribution main running along Granite Drive. Upon approval of a future development permit application, the developer would be required to extend public water mains across the property to provide adequate commercial and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. A permit applicant is solely responsible for, and shall perform and submit the results of all required testing of the public water mains to confirm adequate flow and pressure exists to support any Code-mandated fire protection measures.

The existing sanitary sewer main that serves the property is a 10-inch diameter collection main along Granite Drive. Upon approval of a future development permit application, the developer would be required to extend public sanitary sewer mains to provide adequate collection capacity in accordance with the City of Killeen Code of Ordinances and other applicable development criteria.

Transportation:

Existing conditions: The site has frontage along West Elms Road and Carpet Lane, which are classified as a 90' minor arterial and a 60' local street respectively, on the City's adopted Thoroughfare Plan. Ingress/egress to the tract from West Elms Road will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is developed.

Proposed Improvements: West Elms Road, currently under construction along the northern border of the property, will be an urbanized road section (curb and gutter).

Projected Traffic Generation: Moderate.

Environmental Assessment

Topography: The property is undulating and ranges in elevation from 960 feet to 972 feet above sea level.

Regulated Floodplain/Floodway/Creek: Approximately 0.2 acres of the approximate 0.6 acres in this zoning case are located within a regulated Special Flood Hazard Area (SFHA). The soils for the site are classified as follows: approximately 0.6 acres are Denton Silty Clay, 1 to 3

percent slopes, clay loam. Current City codes require the establishment of a creek buffer zone along Trimmier Road Ditch that will span a distance of 25 feet beyond the top of each bank.

Currently sheet flow runoff on this development enters Trimmier Road Ditch within the subdivision boundary. Trimmier Road Ditch flows into Little Nolan Creek and then into Nolan Creek prior to leaving the City. Both Little Nolan Creek and Nolan Creek are currently listed on the TCEQ's 2012 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

Land Use Analysis

Land Use Plan: This area is designated as 'General Residential' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The Comprehensive Plan considers 'General Residential' to be of a medium intensity category/character that encompasses detached residential dwelling units, attached housing types, planned developments, as well as parks and public/institutional places. Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites, and in locations, within or near the edge of 'General Residential' areas.

Consistency: The applicant's proposed change to a "B-5" commercially zoned district is not consistent with the Killeen Comprehensive Plan. There is a concurrent consideration to amend the FLUM from 'General Residential' to 'General Commercial'.

Public Notification

Staff notified 20 surrounding property owners within the 200' notification area. Staff has received 0 protests.

Recommendation

The Planning and Zoning Commission recommended approval of "B-5" zoning by a vote of 8 to 0. Given the extension of West Elms Road, this site has substantial potential to serve as a primary retail/commercial center for this area. This zoning request is also consistent with the adjacent "B-5" parcel to the east.

Figure 1. Zoning Map



**PLANNING AND ZONING COMMISSION MEETING
MARCH 2, 2015**

**CASE #Z15-05
R-1 to B-5**

HOLD a public hearing and consider a request by Bellpass, Inc. to rezone approximately 0.6 acre, out of the T. Robinett Survey, Abstract No. 686 from R-1 (Single-Family Residential District) to B-5 (Business District). The property is located on the southeast corner of Granite Drive and Elms Road, Killeen, Texas.

Chairman Frederick requested staff comments.

Senior Planner Charlotte Humpherys, stated that Bellpas, Inc. submitted a request to rezone 0.6 acre out of the T. Robinett Survey, Abstract No. 686, from “R-1” (Single-Family Residential District) to “B-5” (Business District). The property is locally known as 3302 Granite Drive, Killeen, Texas.

Staff recommended approval of “B-5” (Business District) zoning for this property. Given the extension of W. Elms Road, this site has substantial potential to serve as a primary retail/commercial center for this area. This zoning request is also consistent with the adjacent “B-5” parcel to the east.

Mr. Bob Mitchell, Mitchell and Associates, Inc., 102 N. College, Killeen, Texas, was present to represent this request.

Chairman Frederick opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Cooper motioned to recommend approval of the requested zoning. Commissioner Dillard seconded the motion. The motion passed 8–0.

Chairman Frederick stated that this request will be forwarded to City Council, on March 24, 2015, with a recommendation to approve.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-5 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bellpas, Inc. submits this request for an amendment of the zoning ordinance of the City of Killeen by changing the classification of approximately .6 acres, being part of the Thomas Robinette Survey, Abstract No. 686, from R-1 (Single-Family Residential District) to B-5 (Business District), said request having been duly presented and recommended for approval of B-5 (Business District) zoning by the Planning and Zoning Commission of the City of Killeen on the 2nd day of March 2015, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 31st day of March 2015, at the City Hall, City of Killeen;

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the majority opinion that the request should be approved;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That the City Council has determined that the zoning classification of the following described tract be changed from R-1 (Single-Family Residential District) to B-5 (Business District) zoning for approximately .6 acres, being part of the Thomas Robinette Survey, Abstract No. 686, and being located at 3302 Granite Drive, Killeen,

Texas.

SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

SECTION III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 31st day of March 2015, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:

Scott Cospers, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, City Attorney

Case #15-05
Ord. #15-____



**City of Killeen
Zoning Change Application**

Name(s) of Property Owner (s): Bellpas, Inc.

Address: P.O. Box 280

City: Kempner State: Texas Zip: 76539

Home Phone: N/A Business Phone: N/A Cell Phone: 254-290-7023

Name of Applicant: Same as Above

(if different than Property Owner)

Address: Same as Above

City: Same as Above State: Same as Above Zip: Same as Above

Home Phone: () N/A Business Phone: () Same as Above Cell Phone:

Address/ Location of Property to be Rezoned: The corner of Granite Drive and Elms

Has the Property been Platted? N
Lot(s) Block(s) Subdivision

Legal Description: 0.6 Acres out of the T. Robinett Survey, Abstract No. 686

Is there a simultaneous plat of this property? No

Type of Ownership: Sole Ownership Partnership Corporation Other

Recorded Copy of Warranty Deed: Vol. 2959, Page 199

Is copy of the deed attached? Yes

Present Zoning(s): R-1 Present Use: Undeveloped

Proposed Zoning(s): B-5 Proposed Use: Business

APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Mitchell & Associates, Inc.

Mailing Address: P.O. Box 1088 / 102 N College

City: Killeen State: Texas Zip: 76540 - _____

Home Phone: (____) N/A Business Phone: (254) 634-5541

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. If at any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application, are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to "I", "my," or "me" is a reference to the entity.

Signature of Agent Title Agent

Printed/Typed Name of Agent Mitchell & Associates, Inc. Date 1-30-15

Signature of Property Owner Title Agent

Printed/Typed Name of Property Owner Mike Atkinson Date _____

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

* Applications must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association.



**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:
#Z15-05

ZONING FROM:
R-1 TO B-5

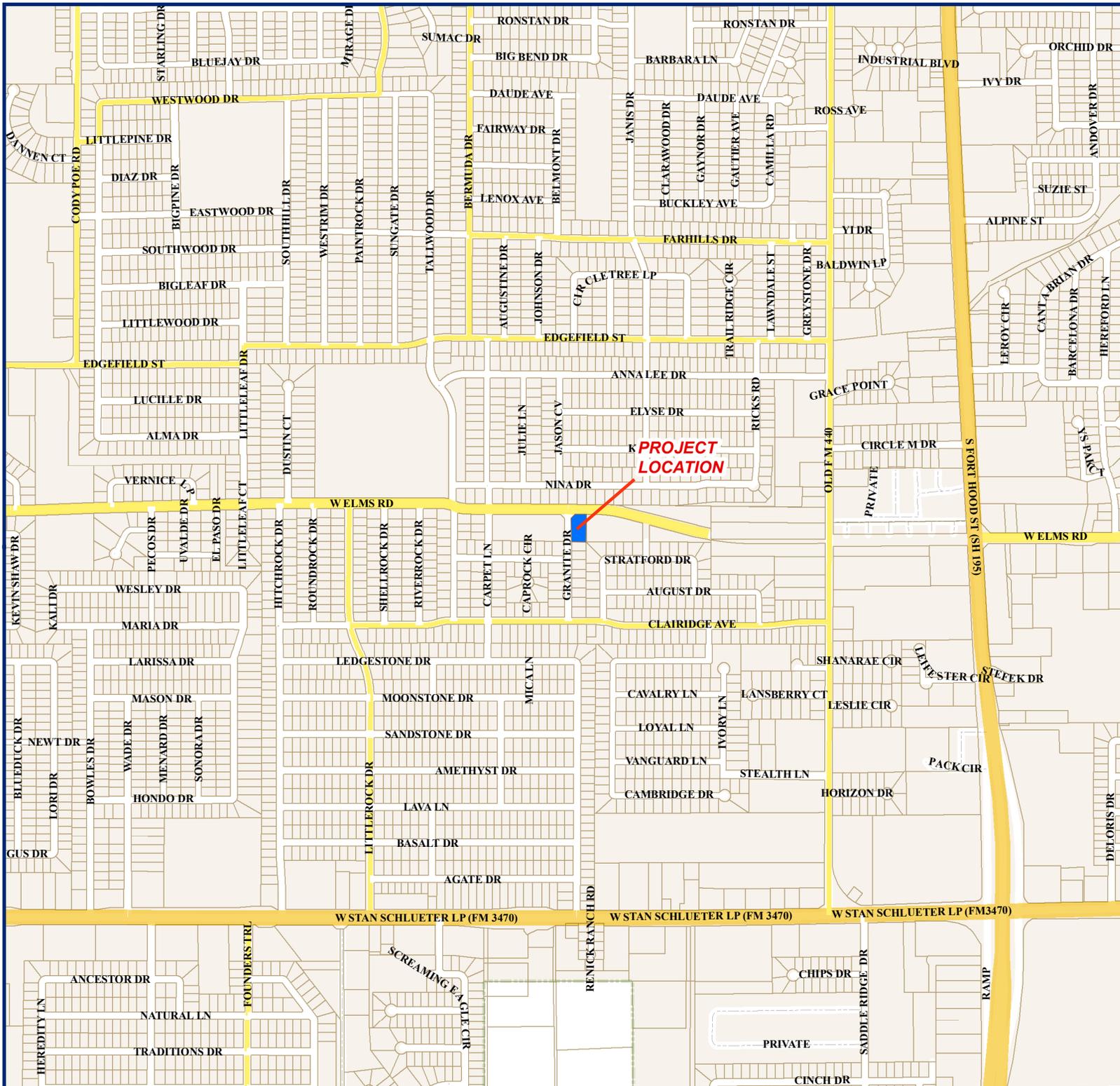
PROPERTY OWNER:
Bellpas Inc

Legend

-  Zoning Case
-  Parcel
-  City Limits



Date: 2/4/2015





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:
#Z15-05

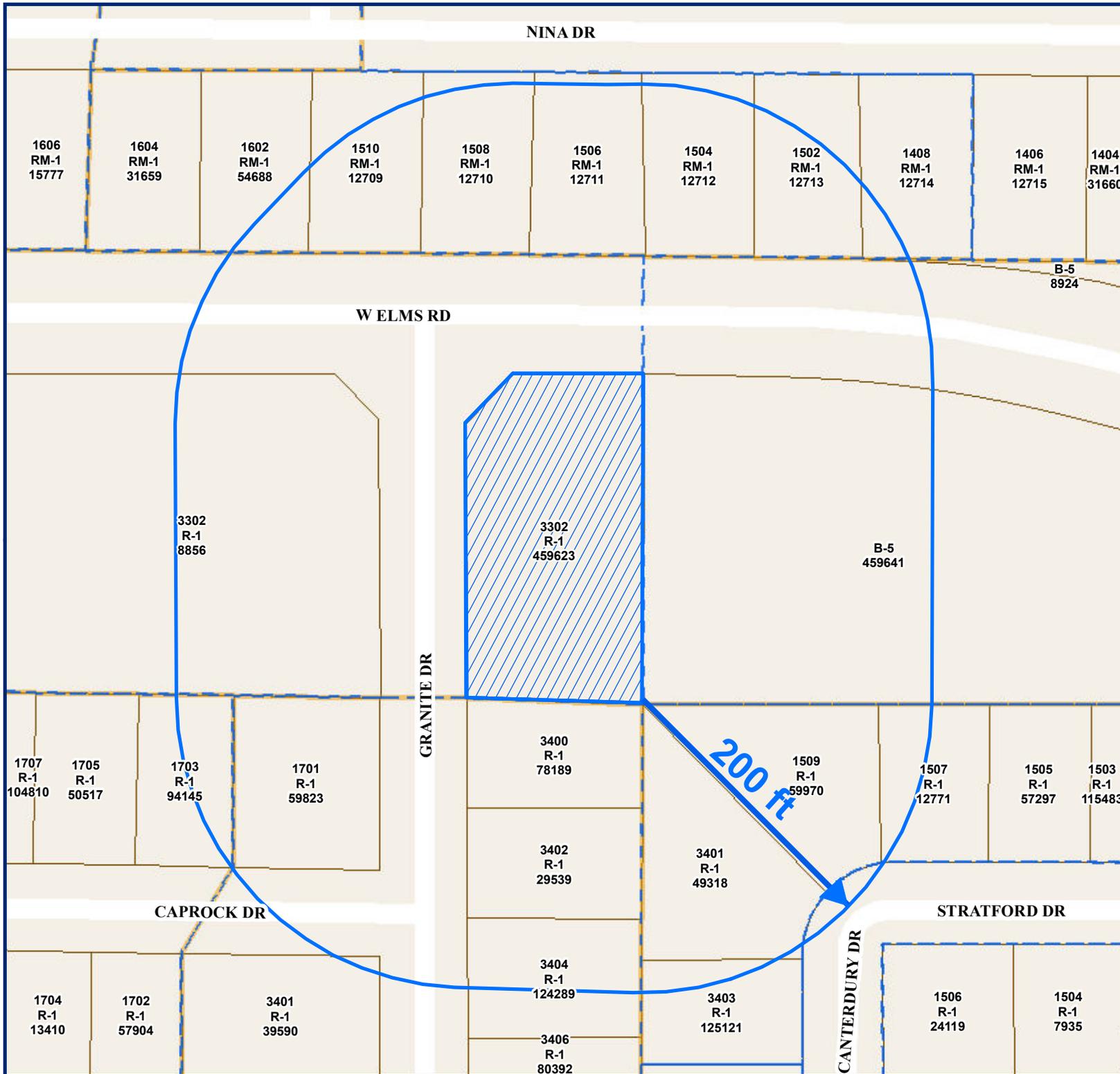
ZONING FROM:
R-1 TO B-5

PROPERTY OWNER:
Bellpas Inc

- LEGEND**
-  Parcel selection
 -  15-05 BUFFER
 -  Subdivision
 -  Parcel
 -  City Limits



Date: 2/11/2015



CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use is in harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.



City of Killeen

Legislation Details

File #: OR-15-004 **Version:** 1 **Name:** City Council Rules of Procedure and Protocol
Type: Resolution **Status:** Ordinances / Resolutions
File created: 3/5/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Consider a memorandum/resolution amending the City Council Rules of Procedure and Protocol-amending agenda order. (2nd of 2 Readings)
Sponsors: City Attorney Department, City Manager Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Rules of Procedure & Protocol](#)

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|--------|--------|
| 3/10/2015 | 1 | City Council | | |

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Resolution amending the City Council Rules of Procedure and Protocol-amending agenda order

ORIGINATING DEPARTMENT

City Attorney

BACKGROUND INFORMATION

Killeen City Charter Section 36 allows the City Council to determine its own rules and order of business. In February 1995, the Council adopted rules of procedure and protocol governing its internal processes. Section 2.1 of the rules provides that amendment of, or additions to, these rules is a two-step process. First, the proposed amendment or new rule must be introduced into the record at a City Council meeting. Past practice has been that the proposal be accepted by a majority of the Council upon introduction. Second, at a subsequent meeting, the City Council must, by majority vote, adopt the proposed amendment or new rule.

DISCUSSION/CONCLUSION

The City Council Rules of Procedure and Protocol ("Protocol") sets forth the types and order of items to be included in your regular meeting agendas. In your February 17, 2015 workshop, staff recommended that the agenda format be amended to match what the practice has become.

Our current agenda format calls for a consent agenda, which is described as those items that require action by Council but where no discussion is anticipated. For the past three years, all items on the consent agenda have been fully briefed, negating the need for a consent agenda. Removal of the consent agenda and creation of separate sections for "Minutes", "Resolutions", "Ordinances", and "Public Hearings" will match what our practice has become.

In order to accomplish these changes to the agenda format, Council will need to amend its Protocol.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends that the City Council adopt the amendment, as attached.

**CITY OF KILLEEN
CITY COUNCIL
RULES OF PROCEDURE
AND
PROTOCOL**

1. AUTHORITY

1.1 *Charter:* The Charter of the City of Killeen allows the City Council to determine its own rules and order of business.

2. DEFINITIONS AND GENERAL RULES

2.1 *Amendment to Rules:* These rules may be amended, or new rules adopted by a majority vote of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

* * * * *

5. ORDER OF BUSINESS

5.1 *Agenda:* The order of business of each meeting shall be as contained in the Agenda prepared by the City Manager. The agenda shall be a listing of topics or subjects to be considered by the Council. City Councilmembers may submit items to be placed on the agenda by providing the agenda item to the City Manager no later than 2:00 p.m. on the Wednesday preceding the next regular or special called meeting. This guideline does not preclude Councilmembers from submitting agenda items after 2:00 p.m. on the Wednesday preceding the next regular or special called meeting, but merely serves as a guideline in order to facilitate the timely and efficient delivery of the agenda and supporting materials. Before a Councilmember may place an item on the Agenda for consideration, it must first be placed as a Discussion Item. If a majority of Council wishes to consider the item further, then it may be placed on a future Agenda for action. If a Councilmember wishes the Council to discuss or consider a previously decided item, he or she may request the City Manager to place that item on the agenda. At the meeting or pre-session, the Council will decide whether to discuss or reconsider the issue. The City Manager shall deliver the agenda to the Council at least 72 hours prior to any regular or special called meeting.

5.2 *Agenda Format:* The Agenda shall provide for the following topics or subjects to be considered by the Council in the following order:

5.2.1 **CALL TO ORDER:** This section shall note the time and place of the meeting.

5.2.2 **ROLL CALL:** This section shall note the attendance of the Mayor, City Councilmembers, City Manager, City Attorney, and City Secretary.

5.2.3 **INVOCATION:** This section shall note the opening prayer.

5.2.4 PLEDGE OF ALLEGIANCE: This section shall note the observance of our national pledge.

5.2.5 APPROVAL OF THE AGENDA: This section shall approve of the order and content of the agenda. The Mayor or any Councilmember may ask for the order and/or content of the agenda to be modified under this item upon consent of a majority of the Council.

5.2.6 PRESENTATIONS. This section shall provide for any items to be submitted to the Council which are: proclamations; items not requiring extensive discussion; items requesting information or items requesting future action by the Council. No item requiring action by the Council shall be placed under this section.

5.2.7 CITIZENS PETITIONS AND INFORMATION: This section allows presentations by citizens of Killeen who are not currently in, or threatening civil or criminal litigation with, the City of Killeen or any of its officers or officials, or with whom litigation is reasonably anticipated. However, citizens who are currently involved or threatening litigation against the City may still address the council on issues wholly unrelated to the subject matter of the litigation. Individuals should address their petitions and presentations to the City Council and refrain from personally addressing individual members of the Council. Presentations may cover only one topic, must be related to City business, and shall be limited to 3 minutes, unless the Presiding Officer or any Councilmember allows a one (1) minute extension. A majority vote of the City Council is required for any other time extensions. Presentations must be scheduled and audio-visual materials requiring the use of equipment for presentation must be submitted through the City Manager's office by 2:00 p.m. on the Wednesday preceding the Council meeting at which the citizen wishes to speak.

5.2.8 MINUTES: This section shall provide for Council consideration of minutes.

5.2.9. RESOLUTIONS: This section shall provide for Council consideration of all resolutions that do not require a Public Hearing.

5.2.10 ORDINANCES: This section shall provide for Council consideration of all ordinances that do not require a Public Hearing.

5.2.11 PUBLIC HEARINGS: This section shall provide for Council consideration of any public hearings, and ordinances or resolutions related to such hearings if action is required. Public hearings and ordinances or resolutions shall be conducted in the following manner:

- (1) Reading of the caption of the ordinance
- (2) Hearing of staff comments
- (3) Opening of Public Hearing
- (4) Closing of Public Hearing
- (5) City Council Discussion
- (6) Consideration of motion, second and vote

5.2.12 ADJOURNMENT: This section provides for the closure of the meeting.

5.3 *Agenda Deadline:* Any person desiring either to present an item for the Councils' consideration or sign up to address the Council during Citizens Petitions and Information shall do so in the City Manager's office not later than 2:00 p.m. on the Wednesday preceding the meeting or workshop at which he/she wishes the subject to be considered.

5.4 *Public Participation:* Whenever a member of the public is recognized to address the Council on an ordinance, resolution, or public hearing item, the individual will be given 3 minutes to make comments. The Presiding Officer or any Councilmember may allow a 1-minute extension. A majority vote of the City Council is required for any other time extensions.

* * * * *



City of Killeen

Legislation Details

File #: OR-15-005 **Version:** 1 **Name:** Ordinance Cancelling District 2 and District 4 Races
Type: Ordinance **Status:** Ordinances / Resolutions
File created: 3/5/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Consider an ordinance declaring unopposed candidates and canceling the May 9, 2015 General Election in District 2 and District 4.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Ordinance](#)
[Certification of City Secretary](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Ordinance declaring unopposed candidates, canceling the General Election in District 2 and District 4 for the May 9, 2015 election.

ORIGINATING DEPARTMENT

City Attorney/City Secretary

BACKGROUND INFORMATION

The Texas Election Code, Chapter 2, section 2.051(b) provides that an election in a single-member district may be canceled if the candidate is unopposed, there are no write-in candidates and no proposition is to appear on the ballot.

DISCUSSION/CONCLUSION

The attached ordinance has been prepared canceling the election in District 2 and District 4 since those districts have an unopposed candidate, no write-in candidates, and no propositions to appear on said ballot.

FISCAL IMPACT

The amount spent on the election will be reduced by an amount of approximately \$9000.00

RECOMMENDATION

Staff recommends adoption of the proposed ordinance.

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 9, 2015 GENERAL CITY ELECTION; CANCELING THE ELECTION IN DISTRICTS WITH UNOPPOSED CANDIDATES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the general city election was called for May 9, 2015 for the purpose of electing members to the City Council; and

WHEREAS, the City Secretary has certified in writing that there is no proposition on the ballot for District 2 or District 4, that no person has made a declaration of write-in candidacy for District 2 or District 4, and that the candidate on the ballot for District 2 and District 4 is unopposed for election to office; and

WHEREAS, under these circumstances, Chapter 2, section 2.051(b) Election Code, authorizes the City Council to declare the candidates for District 2 and District 4 elected to office and cancel the election in those Districts; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. The following candidates, who are unopposed in the May 9, 2015 general city election, is declared elected to office and shall be issued certificates of election following the time the election would have been canvassed:

Jose Segarra – District 2
Brockley King Moore – District 4

SECTION II. The May 9, 2015 general city election is canceled as to District 2 and District 4 and the City Secretary is directed to cause an Order of Cancellation to be posted on Election Day at each polling place that would have been used in the election.

SECTION III. It is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the City Council would have enacted them without the invalid portion.

SECTION IV. This ordinance shall take effect upon its final passage, and it is so ordained.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 31st day of March, 2015, at which meeting a quorum was present, held in accordance with the provisions of the Texas Government Code, Section 551.001, et seq.

APPROVED

Scott Cospers, Mayor

ATTEST:

Dianna Barker, City Secretary

APPROVED AS TO FORM

Kathryn H. Davis, City Attorney

CERTIFICATION OF CITY SECRETARY

I, Dianna Barker, hereby certify that I am the City Secretary of the City of Killeen, Texas, and the authority responsible for having the official ballot prepared for the regular municipal election of May 9, 2015. I further certify, pursuant to Section 2.052, Texas Election Code, that the following candidates are unopposed for election to the office of Council Member, District 2 and District 4, to be on the ballot in the May 9, 2015 regular municipal election.

Jose Segarra is unopposed for election to the office of City Councilmember District No. 2,
Brockley King Moore is unopposed for election to the Office of City Councilmember District No. 4.

I further certify that no candidate's name is to be placed on a list of write-in candidates for the position of City Council Member District No. 2 or District No. 4 to appear on the ballot in the May 9, 2015 regular municipal election and that there are no propositions to appear on the ballot in said election in said District.

To certify which, witness my hand and seal of the City of Killeen, Texas, this the 31st day of March 2015.

Dianna Barker
City Secretary
City of Killeen, Texas



City of Killeen

Legislation Details

File #: OR-15-006 **Version:** 1 **Name:** Ordinance Parking Lot Exemptions
Type: Ordinance **Status:** Ordinances / Resolutions
File created: 3/5/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Consider an ordinance amending Chapter 28 of the Code of Ordinances of the City of Killeen exempting certain veterans and military award recipients from parking fees at the Killeen-Fort Hood Regional Airport.
Sponsors: Aviation Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Ordinance](#)

| Date | Ver. | Action By | Action | Result |
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN EXEMPTING CERTAIN VETERANS AND MILITARY AWARD RECIPIENTS FROM PARKING FEES AT THE KILLEEN-FORT HOOD REGIONAL AIRPORT

ORIGINATING DEPARTMENT

Aviation

BACKGROUND INFORMATION

For several years, the vendor operating the pay parking lot at the Killeen-Fort Hood Regional Airport as an agent for the City of Killeen has provided an exemption of normal parking fees for certain veterans and military award recipients in the same categories as are specified in Section 681.008(b) and 681.008(b)(1) of the Texas Transportation Code. The exemption applies only to vehicles being operated by or for the transportation of a veteran or military award recipient covered by the statute.

DISCUSSION/CONCLUSION

A recent review of procedures used to verify the eligibility of persons who are exempted from parking fees at the Killeen-Fort Hood Regional Airport has determined that this subsection of the Transportation Code applies only to parking spaces for which a fee is collected by a parking meter. However, Section 681.008(d) provides that a local governmental unit may provide by ordinance or order that the exemption also apply to fees imposed by the governmental unit for parking in a pay parking lot. The proposed amendment to Chapter 28 of the Code of Ordinances of the City of Killeen officially codifies the current practice of providing these exemptions and establishes a requirement for the individual claiming the exemption to provide proof of identification and either vehicle registration or insurance to confirm that the vehicle is eligible for the exemption from the parking fee.

FISCAL IMPACT

N/A

RECOMMENDATION

Recommend adoption of the proposed ordinance amending Chapter 28 of the Code of Ordinances of the City of Killeen, adopting the provisions of Section 681.008(b) of the Transportation Code and providing an exemption from parking fees at the Killeen-Fort Hood Regional Airport for certain veterans and military award recipients.

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; ADOPTING SECTION 681.008(b) OF THE TRANSPORTATION CODE; PROVIDING FOR EXEMPTIONS FOR CERTAIN VETERANS AND MILITARY AWARD RECIPIENTS FROM PARKING FEES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the Texas Legislature has authorized certain exemptions from parking meter fees charged by a governmental authority and has provided that a governmental unit may provide by ordinance or order that the exemption in Section 681.008(b) also apply to payment of a fee or penalty imposed by the governmental unit for parking in a parking garage or lot or in a space with a limitation on the length of time for parking, and,

WHEREAS, the City Council finds that providing for certain exemptions from parking fees is in the best interest of the City,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I. That Chapter 28, Article V, Section 28-137 of the City of Killeen Code of Ordinances is hereby amended to read as follows:

Sec. 28-137. - Parking at Killeen-Fort Hood Regional Airport.

- A. The airport director may establish areas in which the stopping, standing or parking of a motor vehicle is prohibited or restricted.
- B. A person may not park a motor vehicle in a public area of the Killeen-Fort Hood regional airport except:

1. at a place and in a manner expressly authorized by the airport director;
 2. as directed by a police officer or an airport official; or
 3. in compliance with official posted signs or markings.
- C. A person may not stop, stand or park a motor vehicle in a passenger loading zone except to quickly load or unload passengers and baggage. A motor vehicle may not be left unattended while loading or unloading passengers and/or baggage.
- D. An airport official may tow a motor vehicle parked on airport property in violation of this chapter at the owner or operator's expense.
- E. The City hereby adopts the exemption provided to certain Veterans and Military Award Recipients by Section 681.008(b) of the Transportation Code, and provides that:
1. When being operated by or for the transportation of a person to whom this section applies, a vehicle on which license plates described in this section are displayed is exempt from the payment of a fee imposed for parking in a lot at the Killeen-Fort Hood Regional Airport.
 2. The person claiming the exemption must provide proof of picture identification and either vehicle registration or insurance to confirm that the vehicle is eligible for exemption from the parking fee.

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 31st day of March , 2015, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

Scott Cospers, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM:

Kathryn H. Davis, CITY ATTORNEY



City of Killeen

Legislation Details

File #: OR-15-007 **Version:** 1 **Name:** Solid Waste Rate Change Ordinance
Type: Ordinance **Status:** Ordinances / Resolutions
File created: 2/27/2015 **In control:** City Council Workshop
On agenda: 3/17/2015 **Final action:**
Title: Consider an ordinance amending Chapter 2, Article VI, Section 2-150 Fees and Chapter 24, Article II, Division 6, Rates for Municipal Solid Waste Collection and Disposal Service.
Sponsors: Solid Waste, Public Works Department, Transfer Station, Recycling
Indexes:
Code sections: 2-150 - Fees, 24-115 - Residential Rates, 24-116 - Commercial Rates, 24-117 - Recycling Rates, 24-118 - Transfer Station RAtes
Attachments: [Council Memorandum](#)
[Ordinance](#)

| Date | Ver. | Action By | Action | Result |
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Ordinance Amending Solid Waste Collection and Disposal Rates for Fiscal Year 2014-15

ORIGINATING DEPARTMENT

Public Works/Solid Waste

BACKGROUND INFORMATION

Due to the City's projected growth, inflation, and required capital improvements, the City Council authorized a professional services contract for the study of solid waste rates necessary to meet current and future solid waste collection and disposal needs. The study was completed by SCS Engineers and adopted by City Council on February 24, 2015.

DISCUSSION/CONCLUSION

In accordance with our planning practices, SCS Engineers was engaged to perform a master plan and rate study. The study analyzed solid waste services, future expansion, and replacement of assets. The study also analyzed the cost of providing services due to inflation, growth, and the cost of additional debt to fund capital needs. The rate recommendations cover a five-year study period.

Based upon the rate study, the proposed rates for all residential customers who use a 96-gallon container would increase from \$17.50 to \$19.76. For customers who choose the 64-gallon container, the monthly charge would increase from \$15.60 to \$17.76. For customers who choose the 32-gallon container, the monthly charge would increase from \$14.38 to \$16.76.

In addition, the rate for commercial customers who choose a 96-gallon container will increase from \$17.50 to \$21.30. All other commercial rates will increase by 7.80%.

All special service and administrative fees outlined in Chapter 2, Division 6, Fees and Chapter 24, Division 6, Rate schedule, as well as any other fees not outlined above, will increase by 5%.

In addition, the Solid Waste Division recommends the City adjust customer rates annually and every (12) month period thereafter, by the same percentage as the Consumer Price Index (CPI) (Dallas / Fort Worth Region for All Urban Consumers, less energy) as published by the US Department of Labor, Bureau of Labor Statistics, during the preceding twelve (12) months as measured from July of the previous year to June of the then current year.

FISCAL IMPACT

The receipt of additional revenue will more accurately offset the cost of expense for the solid waste services.

RECOMMENDATION

Staff recommends that the City Council adopt the attached ordinance amending the solid waste collection and disposal rates.

AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE VI FEES, SECTION 2-150 FEES AND CHAPTER 24 (SOLID WASTE), ARTICLE II, DIVISION 6, SECTION 24-115. RESIDENTIAL RATES, SECTION 24-116. COMMERCIAL RATES, SECTION 24-117. RECYCLING RATES, AND SECTION 24-118. TRANSFER STATION RATES, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, PROVIDING FOR INCREASES IN SOLID WASTE FEES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I: That Chapter 2 (Administration) of the Code of Ordinances of the City of Killeen is hereby amended to read as follows:

Chapter 2

ADMINISTRATION

ARTICLE VI. FEES

Sec. 2-150. -Fees.

The following fees are hereby established for the departments listed:

(n) Solid Waste

- (1) Special Collection Fee - ~~\$20.00~~ \$21.00 for a volume up to three (3) cubic yards; ~~\$7.00~~ \$7.50 for each additional cubic yard
- (2) Waiting time (blocked dumpster asked to wait) - ~~\$128.27~~ \$138.28/hour; ~~\$2.15~~ \$2.32/minute
- (3) After hours special pickup of dumpsters (under two hours) - ~~\$50.50~~ \$54.44
- (4) Deposit at water department for recurring use of transfer station in order to be able to charge disposal costs - ~~\$125.00~~ \$134.75
- (5) Installation of dumpster - ~~\$50.50~~ \$54.44
- (6) Relocation of dumpster - ~~\$50.50~~ \$54.44

SECTION II: That Chapter 24 (Solid Waste) of the Code of Ordinances of the City of Killeen is hereby amended to read as follows:

Chapter 24

SOLID WASTE

ARTICLE II. MUNICIPAL COLLECTION AND DISPOSAL SERVICE

DIVISION 6. RATE SCHEDULE

Sec. 24-115. - Residential rates.

- (a) Variable rates shall be charged depending on the size and quantity of containers selected. This monthly base rate includes the standard weekly services as stated in section 24-46(b). Sales tax shall be added to fees for goods and services where required by state law. A separate deposit of \$30.00 shall be required for solid waste services when establishing a water services account with the utility collections division.

| Container Size(s) Available | Monthly Base Rate |
|------------------------------------|----------------------------|
| 96 gallon | \$17.50 \$19.76 |
| 64 gallon | \$15.60 \$17.76 |
| 32 gallon | \$14.38 \$16.76 |

- (b) Additional container(s) of the same or different size may be subscribed by paying the fee stated above for the additional container(s).
- (c) A container exchange fee of ~~\$10.00~~ \$10.50 shall be charged for all exchanges to a larger container or additional containers. This is a one-time fee charged to the monthly utility bill. There shall be no charge for customers who exchange a larger container for a smaller container.
- (d) Brush collection: on the scheduled collection day, residents are allowed up to six (6) cubic yards of segregated brush (dimensions of 4 ft x 4 ft x 12 ft). Brush in excess of this amount shall be charged a fee at the rate of seven dollars (~~\$7.00~~ \$7.50) per cubic yard.
- (e) Special collection service fee: solid waste (excluding non-collectibles) that are identified under section 24.54 and at curb on the scheduled collection day and properly prepared for collection shall be picked up for the following fees:
- (1) ~~\$20.00~~ \$21.00 minimum for a volume up to three (3) cubic yards.
 - (2) ~~\$7.00~~ \$7.50 per cubic yard in excess of three (3) cubic yards.

- (f) Replacement cost for lost, stolen, or damaged roll-out containers or recycling bins through customer abuse or neglect: ~~\$19.00~~ \$20.00 service fee, plus the cost to purchase the replacement container.
- (g) Replacement of container lids, wheels, and other container hardware due to customer abuse or neglect: ~~\$19.00~~ \$20.00 Service fee, plus the cost of replacement part(s).
- (h) Missed service fee for automated collection: ~~\$7.00~~ \$7.50 for return trip.
- (i) Automated container reload for excess garbage placed in plastic bag: ~~\$6.00~~ \$6.50 per reload; maximum number of reloads per collection two (2), for a maximum fee of ~~\$12.00~~ \$13.00.
- (j) Fee charged for an overloaded container: ~~\$6.00~~ \$6.50.
- (k) Residential premium service.
 - (1) ~~\$22.00~~ \$23.00 for emptying of automated container only.
 - (2) ~~\$22.00~~ \$23.00 service fee and ~~\$7.00~~ \$7.50 per cubic yard for other special waste properly prepared for collection.
- (l) Fee to remove roll-out residential container from curb by city employee: ~~\$6.00~~ \$6.50.
(Ord. No. 03-41, § I, 8-26-03; Ord. No. 09-057, § I, 9-15-09; Ord. No. 10-048, § I, 9-14-10; Ord. No. 11-081, § I, 9-13-11)

Sec. 24-116. - Commercial rates.

- (a) Once per week collection using a 96-gallon container: ~~\$17.50~~ \$21.30 per month.
- (b) Once per week collection using a 300-gallon container: ~~\$52.97~~ \$57.10 per month.
- (c) Dumpster container rates are based on size of container and frequency of weekly collection.
 - (1) Monthly fees:

| Dumpster Size | Collections Per Week | | | | | | |
|---------------|----------------------|----------|----------|----------|----------|----------|----------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 2 cu yd | \$73.02 | \$111.37 | \$155.76 | \$200.15 | \$245.48 | \$288.92 | \$333.31 |
| | \$78.72 | \$120.06 | \$167.91 | \$215.76 | \$264.93 | \$311.46 | \$359.31 |
| 3 cu yd | \$89.12 | \$138.24 | \$194.70 | \$251.18 | \$307.65 | \$364.12 | \$420.59 |
| | \$96.07 | \$149.04 | \$209.89 | \$270.77 | \$331.65 | \$392.50 | \$453.40 |
| 4 cu yd | \$104.24 | \$164.19 | \$232.74 | \$301.27 | \$369.85 | \$438.41 | \$506.96 |

| | | | | | | | |
|---------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| | \$112.37 | \$177.00 | \$250.89 | \$324.77 | \$398.70 | \$472.61 | \$546.50 |
| 6 cu yd | \$136.47 | \$217.92 | \$310.64 | \$403.35 | \$496.07 | \$588.78 | \$681.49 |
| | \$147.77 | \$234.92 | \$334.87 | \$434.81 | \$534.76 | \$634.70 | \$734.65 |
| 8 cu yd | \$168.69 | \$271.51 | \$388.51 | \$505.40 | \$622.27 | \$739.17 | \$856.05 |
| | \$181.85 | \$292.69 | \$418.81 | \$544.82 | \$670.81 | \$796.83 | \$922.82 |

(2) Fees for extra pickups:

| Size of Container | For Customer Reload on Site | For Call-In Service |
|-------------------|-----------------------------|----------------------------|
| 2 cu yd | \$11.38 \$12.27 | \$25.65 \$27.65 |
| 3 cu yd | \$14.51 \$15.64 | \$28.76 \$31.00 |
| 4 cu yd | \$17.60 \$18.97 | \$31.86 \$34.35 |
| 6 cu yd | \$23.82 \$25.68 | \$38.07 \$41.04 |
| 8 cu yd | \$30.02 \$32.36 | \$44.28 \$47.73 |

(d) Fees for collection from privately owned, small compactors are based on size of compactor and frequency of weekly collection:

| Compactor Size | Collections Per Week | | | | | | |
|----------------|----------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 4 cu yd | \$138.25 | \$271.42 | \$404.59 | \$537.73 | \$670.93 | \$804.10 | \$937.27 |
| | \$149.03 | \$292.59 | \$436.15 | \$579.67 | \$723.26 | \$866.82 | \$1010.38 |
| 6 cu yd | \$185.48 | \$366.56 | \$545.65 | \$725.74 | \$905.82 | \$1085.90 | \$1265.97 |

| | | | | | | | |
|---------|---------------------|---------------------|---------------------|---------------------|----------------------|----------------------|----------------------|
| | \$199.95 | \$395.15 | \$588.21 | \$782.35 | \$976.47 | \$1170.60 | \$1364.72 |
| 8 cu yd | \$232.76 | \$459.68 | \$686.84 | \$913.91 | \$1140.95 | \$1368.00 | \$1595.04 |
| | \$250.92 | \$495.54 | \$739.95 | \$985.19 | \$1229.94 | \$1474.70 | \$1719.45 |

(e) Fees for roll-off container service:

(1)

| Size of Container | Rental Fee (a) | Service |
|---|---------------------|--|
| 20 yd open top | \$123.89 | \$126.81+weight^b |
| | \$133.55 | \$136.70 |
| 30 yd open top | \$146.34 | \$126.81+weight^b |
| | \$157.75 | \$136.70 |
| 40 yd open top | \$167.81 | \$126.81+weight^b |
| | \$180.90 | \$136.70 |
| 20 yd compactor | Must own | \$126.81+weight^b \$136.70 |
| 30 yd compactor | Must own | \$126.81+weight^b \$136.70 |
| 42 yd compactor | Must own | \$126.81+weight^b \$136.70 |
| (a) minimum fee: one month rental for first month; prorated for subsequent months | | |
| ^b weight fee is \$58.70 \$63.28 per ton | | |

(2) Prepaid deposit based on number of services per month:

| Size of Roll Off | Number of Services Per Month | | | | | | | |
|------------------|------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 20 yd open top | \$399.00 | \$695.40 | \$991.80 | \$1288.20 | \$1584.60 | \$1881.00 | \$2177.40 | \$2473.80 |
| | \$430.12 | \$749.64 | \$1069.16 | \$1388.68 | \$1708.20 | \$2027.72 | \$2347.24 | \$2666.76 |
| 30 yd open top | \$484.50 | \$839.04 | \$1194.72 | \$1550.40 | \$1906.08 | \$2261.76 | \$2575.26 | \$2929.80 |
| | \$522.29 | \$904.49 | \$1287.91 | \$1671.33 | \$2054.75 | \$2438.18 | \$2776.13 | \$3158.32 |
| 40 yd open top | \$558.60 | \$974.70 | \$1390.80 | \$1803.48 | \$2217.30 | \$2631.13 | \$3047.22 | \$3463.32 |
| | \$602.17 | \$1050.73 | \$1499.28 | \$1944.15 | \$2309.25 | \$2836.36 | \$3284.90 | \$3733.46 |

- (f) Installation of locking bar device on commercial containers: ~~\$31.38~~ \$33.83 installation fee plus ~~\$3.14~~ \$3.38 monthly rental.
- (g) Dumpster cleaning required by solid waste director or requested by customer, because of odor or unsanitary condition: ~~\$65.00~~ \$70.00 per wash.
- (h) Necessary dumpster cleaning and painting after a fire in container: ~~\$230.00~~ \$248.00
- (i) Mechanical assistance to customer to unload unauthorized items in container, such as appliances, couches, etc: ~~\$50.50~~ \$54.44.
- (j) *Manual collection:* ~~one hundred thirty eight dollars and thirty seven cents~~ one hundred forty nine dollars and sixteen cents (~~\$138.37~~ \$149.16) per hour based on the total amount of time including; but not limited to, travel, loading and disposal, plus weight of contents.
- (k) *Special mechanical collection:*
 - (1) ~~\$20.00~~ \$21.00 minimum for a volume up to three (3) cubic yards.
 - (2) ~~\$7.00~~ 7.50 per cubic yard in excess of (3) three cubic yards.
- (l) Waiting time (blocked dumpster asked to wait) - ~~\$128.27~~ \$138.28/hour; ~~\$2.15~~ \$2.32/minute.
- (m) After hours special pickup of dumpsters (under two hours) - ~~\$50.50~~ \$54.44.
- (n) Deposit at utility collections division for recurring use of transfer station in order to be able to charge disposal costs - ~~\$125.00~~ \$134.75.
- (o) Installation of dumpster - ~~\$50.50~~ \$54.44.

- (p) Relocation of dumpster -~~\$50.50~~ \$54.44.

(Ord. No. 03-41, § I, 8-26-03; Ord. No. 04-70, § I, 8-24-04; Ord. No. 05-72, § I, 9-13-05; Ord. No. 06-132, § I, 12-12-06; Ord. No. 09-057, § I, 9-15-09; Ord. No. 10-048, § I, 9-14-10; Ord. No. 11-081, § I, 9-13-11)

Sec. 24-117. - Recycling rates.

- (a) Subscription to the residential curbside recycling service: ~~\$2.48~~ \$2.60 per month.
- (b) Additional (or second) 22-gallon recycling bin: city's current cost to purchase containers - one time cost only.
- (c) Lid cover for the 22-gallon recycling bin: city's current cost to purchase lids - one time cost only.
- (d) Public scale fee:
- (1) Weight ticket - ~~\$9.00~~ \$9.50
 - (2) Copy of ticket - ~~\$6.00~~ \$6.50
- (e) Roll-off rental for special purposes or events: ~~\$65.00~~ \$68.25 (per service).
- (f) Fee for each appliance received at Killeen recycling center for CFC evacuation and disposal of appliance: ~~\$20.00~~ \$21.00.
- (g) Pickup of an appliance containing CFC's at residential curbside, CFC evacuation, and disposal of appliance: ~~\$40.00~~ \$42.00.

(Ord. No. 03-41, § I, 8-26-03; Ord. No. 09-057, § I, 9-15-09; Ord. No. 10-048, § I, 9-14-10; Ord. No. 11-081, § I, 9-13-11)

Sec. 24-118. - Transfer station rates.

- (a) Disposal fee, when applicable, shall be calculated by weight as determined by the on-site scales, at a rate of ~~fifty eight dollars and seventy cents~~ sixty three dollars and twenty eight cents (~~\$58.70~~ \$63.28) per ton, ~~two dollars and ninety three cents~~ three dollars and eight cents (~~\$2.93~~ \$3.08) per one hundred (100) pounds; which is the minimum fee.
- (b) Surcharge for unsecured load: ~~\$25.00~~ \$26.25.
- (c) Tire disposal fees:
- (1) Passenger/light truck tires greater than 12" rim size up to a 22" rim size: ~~\$3.00~~ \$3.15.
 - (2) Passenger/light truck tires up to a 12" rim size: ~~\$2.50~~ \$2.65.
 - (2) Commercial tires, but not larger than a 2" bead: ~~\$6.00~~ \$6.50.

(Ord. No. 03-41, § I, 8-26-03; Ord. No. 09-057, § I, 9-15-09; Ord. No. 10-048, § I, 9-14-10; Ord. No. 11-081, § I, 9-13-11)

SECTION III. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION V. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION VI. That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this ____ day of _____, 2015, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED:

Scott Cospers, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM:

Kathryn H. Davis, CITY ATTORNEY

ORD _____

Date: _____